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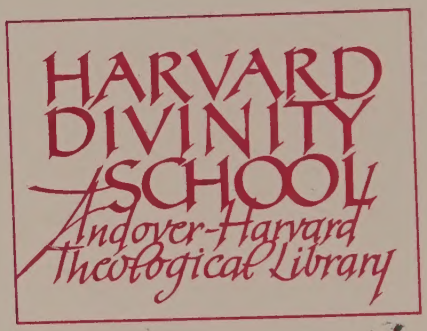

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THE DECLINE AND FALL OF THE ROMAN EMPIRE

VOL. IV.

THE HISTORY

OF THE

DECLINE AND FALL OF THE ROMAN EMPIRE

BY

EDWARD GIBBON

EDITED IN SEVEN VOLUMES

WITH INTRODUCTION, NOTES, APPENDICES, AND INDEX

BY

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CONTENTS OF THE FOURTH VOLUME

CHAPTER XXXVI

Sack of Rome by Genseric, King of the Vandals—His naval Depredations—Succession of the last Emperors of the West, Maximus, Avitus, Majorian, Severus, Anthemius, Olybrius, Glycerius, Nepos, Augustulus—Total Extinction of the Western Empire—Reign of Odoacer, the first Barbarian King of Italy

A.D.		PAGE
439-445.	Naval Power of the Vandals	1
455	The Character and Reign of the Emperor Maximus	2
455	His Death	3
455	Sack of Rome by the Vandals	5
	The Emperor Avitus	6
453-466.	Character of Theodoric, King of the Visigoths	9
456	His Expedition into Spain	11
456	Avitus is deposed	13
457	Character and elevation of Majorian	15
457-461.	His salutary Laws	17
	The Edifices of Rome	19
457	Majorian prepares to invade Africa	20
	The Loss of his Fleet	23
461	His Death	24
461-467.	Ricimer reigns under the Name of Severus	24
	Revolt of Marcellinus in Dalmatia	25
	„ Ægidius in Gaul	26
461-467.	Naval War of the Vandals	26
462, &c.	Negotiations with the Eastern Empire	28
457-474.	Leo, Emperor of the East	29
467-472.	Anthemius, Emperor of the West	30
	The Festival of the Lupercalia	32
468	Preparations against the Vandals of Africa	34
	Failure of the Expedition	35
462-472.	Conquests of the Visigoths in Spain and Gaul	37
468	Trial of Arvandus	39
471	Discord of Anthemius and Ricimer	42
472	Olybrius, Emperor of the West	44
	Sack of Rome and death of Anthemius	44
	Death of Ricimer	45
	„ Olybrius	45
472-475.	Julius Nepos and Glycerius, Emperors of the West	46

A.D.		PAGE
475	The Patrician Orestes	47
476	His son Augustulus, the last Emperor of the West	48
476-490.	Odoacer, King of Italy	49
476 or 479.	Extinction of the Western Empire	50
	Augustulus is banished to the Lucullan villa	51
	Decay of the Roman spirit	53
476-490.	Character and Reign of Odoacer	54
	Miserable state of Italy	55

CHAPTER XXXVII

Origin, Progress, and Effects of the monastic Life—Conversion of the Barbarians to Christianity and Arianism—Prosecution of the Vandals in Africa—Extinction of Arianism among the Barbarians

	I. Institution of the Monastic Life	57
	Origin of the Monks	57
305	Antony, and the Monks of Egypt	59
341	Propagation of the monastic Life at Rome	60
328	Hilarion in Palestine	61
360	Basil in Pontus	61
370	Martin in Gaul	61
	Causes of the rapid Progress of the monastic Life	62
	Obedience of the Monks	64
	Their Dress and Habitations	66
	Their Diet	67
	Their manual Labour	68
	Their Riches	69
	Their Solitude...	70
	Their Devotion and Visions...	71
	The Cœnobites and Anachorets	72
395-451.	Simeon Stylites	73
	Miracles and Worship of the Monks	74
	Superstition of the Age	75
	II. Conversion of the Barbarians	75
360, &c.	Ulphilas, Apostle of the Goths	76
400, &c.	The Goths, Vandals, Burgundians, &c., embrace Christianity	77
	Motives of their Faith	78
	Effects of their Conversion	79
	They are involved in the Arian Heresy	80
	General Toleration	81
	Arian Persecution of the Vandals	81
429-477.	Genseric	81
477	Hunneric	83
484	Gundamund	83
496	Thorismund	83
523	Hilderic	83
530	Gelimer	84
	A general view of the Persecution in Africa	84
	Catholic Frauds	88
	Miracles	90

A.D. PAGE
500-700. The Ruin of Arianism among the Barbarians 92
577-584. Revolt and Martyrdom of Hermenegild in Spain 92
586-589. Conversion of Recared and the Visigoths of Spain... ... 93
600, &c. Conversion of the Lombards of Italy... 95
612-712. Persecution of the Jews in Spain 95
Conclusion 97

CHAPTER XXXVIII

Reign and Conversion of Clovis—His Victories over the Alemanni, Burgundians, and Visigoths—Establishment of the French Monarchy in Gaul—Laws of the Barbarians—State of the Romans—The Visigoths of Spain—Conquest of Britain by the Saxons

The Revolution of Gaul 98
476-485. Euric, King of the Visigoths 99
481-511. Clovis, King of the Franks 100
486 His Victory over Syagrius 102
496 Defeat and Submission of the Alemanni 104
496 Conversion of Clovis... 106
497, &c. Submission of the Armoricans and the Roman Troops ... 108
499 The Burgundian War 110
500 Victory of Clovis 111
532 Final Conquest of Burgundy by the Franks 112
507 The Gothic War 113
Victory of Clovis 115
508 Conquest of Aquitain by the Franks 117
510 Consulship of Clovis 118
536 Final Establishment of the French Monarchy in Gaul 119
Political Controversy... 121
Laws of the Barbarians 122
Pecuniary Fines for Homicide 124
Judgments of God 126
Judicial Combats 127
Division of Land by the Barbarians 129
Domain and Benefices of the Merovingians 130
Private Usurpations 131
Personal Servitude 132
Example of Auvergne 133
Story of Attalus 136
Privileges of the Romans of Gaul 138
Anarchy of the Franks 140
The Visigoths of Spain 141
Legislative Assemblies of Spain 142
Code of the Visigoths 143
Revolution of Britain... 144
449 Descent of the Saxons 145
455-582. Establishment of the Saxon Heptarchy 146
State of the Britons 147
Their Resistance 148
Their Flight 149
The Fame of Arthur 150
Desolation of Britain... 152

A.D. PAGE
Servitude of the Britons 153
Manners of the Britons 155
Obscure or fabulous State of Britain 156
Fall of the Roman Empire in the West 158
General Observations on the Fall of the Roman Empire in the West ... 160

CHAPTER XXXIX

Zeno and Anastasius, Emperors of the East—Birth, Education, and First Exploits of Theodoric the Ostrogoth—His Invasion and Conquest of Italy—The Gothic Kingdom of Italy—State of the West—Military and Civil Government—The Senator Boethius—Last Acts and Death of Theodoric

455-475. Birth and Education of Theodoric 170
474-491. The Reign of Zeno 172
491-518. The Reign of Anastasius 173
475-488. Service and Revolt of Theodoric 174
482 He undertakes the conquest of Italy 176
His March 177
489-490. The three Defeats of Odoacer 178
493 His Capitulation and Death 179
493-526. Reign of Theodoric King of Italy 180
Partition of Lands 181
Separation of the Goths and Italians 182
Foreign Policy of Theodoric 183
His defensive Wars 185
509 His Naval Armaments 185
Civil Government of Italy according to the Roman Laws ... 187
Prosperity of Rome 189
500 Visit of Theodoric 190
Flourishing State of Italy 191
Theodoric an Arian 192
His toleration of the Catholics 192
Vices of his Government 195
He is provoked to persecute the Catholics 196
Character, Studies, and Honours of Boethius 197
His Patriotism 199
He is accused of Treason 200
524 His Imprisonment and Death 201
525 Death of Symmachus 203
526 Remorse and Death of Theodoric 203

CHAPTER XL

Elevation of Justin the Elder—Reign of Justinian—I. The Empress Theodora—II. Factions of the Circus, and Sedition of Constantinople—III. Trade and Manufacture of Silk—IV. Finances and Taxes—V. Edifices of Justinian—Church of St. Sophia—Fortifications and Frontiers of the Eastern Empire—VI. Abolition of the Schools of Athens, and the Consulship of Rome

482 or 483. Birth of the Emperor Justinian 205
518-527. Elevation and Reign of his Uncle Justin I. 206

A.D.		PAGE
520-527.	Adoption and Succession of Justinian	207
527-565.	The Reign of Justinian	209
	Character and Histories of Procopius	210
	Division of the Reign of Justinian	211
	Birth and Vices of the Empress Theodora	212
	Her Marriage with Justinian	214
	Her Tyranny	216
	Her Virtues	217
548	And Death	218
	The Factions of the Circus	218
	At Rome	220
	They distract Constantinople and the East	220
	Justinian favours the Blues	220
532	Sedition of Constantinople, surnamed *Nika*	222
	The Distress of Justinian	224
	Firmness of Theodora	225
	The Sedition is suppressed	226
	Agriculture and Manufactures of the Eastern Empire	226
	The Use of Silk by the Romans	228
	Importation from China by Land and Sea	230
	Introduction of Silk-worms into Greece	233
	State of the Revenue	235
	Policy of Anastasius	235
	Avarice and Profusion of Justinian	236
	Pernicious Savings	236
	Remittances	237
	Taxes	237
	Monopolies	238
	Venality	239
	Testaments	239
	The Ministers of Justinian	240
	John of Cappadocia	240
	His Edifices and Architects	242
	Foundation of the Church of St. Sophia	244
	Description	245
	Marbles	247
	Riches	247
	Churches and Palaces	248
	Fortifications of Europe	250
	Security of Asia after the Conquest of Isauria	253
	Fortifications of the Empire, from the Euxine to the Persian Frontier	255
488	Death of Perozes King of Persia	257
502-505.	The Persian War	258
	Siege of Edessa	259
	Fortifications of Dara	259
	The Caspian or Iberian Gates	260
	The Schools of Athens	261
	They are suppressed by Justinian	265
	Proclus	265
485-529.	His Successors	266
	The last of the Philosophers	267
541	The Roman Consulship extinguished by Justinian	267

CHAPTER XLI

Conquests of Justinian in the West—Character and first Campaigns of Belisarius—He invades and subdues the Vandal Kingdom of Africa—His triumph—The Gothic War—He recovers Sicily, Naples and Rome—Siege of Rome by the Goths—Their Retreat and Losses—Surrender of Ravenna—Glory of Belisarius—His Domestic Shame and Misfortunes

A.D.		PAGE
533	Justinian resolves to invade Africa	27
523-530.	State of the Vandals. Hilderic	27
530-534.	Gelimer	27
	Debates on the African war	27
	Character and Choice of Belisarius	27
529-532.	His Services in the Persian war	27
533	Preparations for the African war	27
	Departure of the Fleet	27
	Belisarius lands on the Coast of Africa	28
	Defeats the Vandals in a first battle	28
	Reduction of Carthage	28
	Final Defeat of Gelimer and the Vandals	28
534	Conquest of Africa by Belisarius	28
	Distress and Captivity of Gelimer	29
	Return and Triumph of Belisarius	29
535	His sole Consulship	29
	End of Gelimer and the Vandals	29
	Manners and Defeat of the Moors	29
	Neutrality of the Visigoths...	29
550-620.	Conquests of the Romans in Spain	29
534	Belisarius threatens the Ostrogoths in Italy	29
522-534.	Government and Death of Amalasontha, Queen of Italy ...	30
535	Her Exile and Death	30
	Belisarius invades and subdues Sicily	30
534-536.	Reign and Weakness of Theodatus, the Gothic King of Italy	30
537	Belisarius invades Italy and reduces Naples	30
536-540.	Vitiges, King of Italy	31
536	Belisarius enters Rome	31
537	Siege of Rome by the Goths	31
	Valour of Belisarius	31
	His Defence of Rome	31
	Repulses a general assault of the Goths	31
	His Sallies	31
	Distress of the City	31
	Exile of Pope Sylverius	32
	Deliverance of the City	32
	Belisarius recovers many Cities of Italy	32
538	The Goths raise the Siege of Rome	32
	Lose Rimini	32
	Retire to Ravenna	32
	Jealousy of the Roman Generals	32
	Death of Constantine	32
	The Eunuch Narses	32

A.D.		PAGE
	Firmness and Authority of Belisarius	327
538-539.	Invasion of Italy by the Franks	327
	Destruction of Milan	328
	Belisarius besieges Ravenna	330
539	Subdues the Gothic Kingdom of Italy	332
	Captivity of Vitiges	332
540	Return and Glory of Belisarius	332
	Secret History of his Wife Antonina	334
	Her Lover Theodosius	335
	Resentment of Belisarius and her Son Photius	337
	Persecution of her Son	338
	Disgrace and Submission of Belisarius	338

CHAPTER XLII

State of the Barbaric World—Establishment of the Lombards on the Danube—Tribes and Inroads of the Sclavonians—Origin, Empire, and Embassies of the Turks—The Flight of the Avars—Chosroes I. or Nushirvan King of Persia—His prosperous Reign and Wars with the Romans—The Colchian or Lazic War—The Æthiopians

527-565.	Weakness of the Empire of Justinian	340
	State of the Barbarians	342
	The Gepidæ	342
	The Lombards	343
	The Sclavonians	344
	Their Inroads	346
545	Origin and Monarchy of the Turks in Asia	349
	The Avars fly before the Turks, and approach the Empire ...	352
558	Their Embassy to Constantinople	353
569-582.	Embassies of the Turks and Romans	354
500-530.	State of Persia	357
531-579.	Reign of Nushirvan, or Chosroes	359
	His Love of Learning	361
533-539.	Peace and War with the Romans	364
540	He invades Syria	366
	And ruins Antioch	367
541	Defence of the East by Belisarius	368
	Description of Colchos, Lazica, or Mingrelia	371
	Manners of the Natives	373
	Revolutions of Colchos	375
	Under the Persians, before Christ 500	375
	Under the Romans, before Christ 60	375
130	Visit of Arrian	376
522	Conversion of the Lazi	376
542-549.	Revolt and Repentance of the Colchians	376
549-551.	Siege of Petra	379
549-556.	The Colchian or Lazic War	380
540-561.	Negotiations and Treaties between Justinian and Chosroes	382
522	Conquests of the Abyssinians	384
533	Their Alliance with Justinian	386

CHAPTER XLIII

Rebellions of Africa—Restoration of the Gothic Kingdom by Totila—Los and Recovery of Rome—Final Conquest of Italy by Narses—Extinctio of the Ostrogoths—Defeat of the Franks and Alemanni—Last Victory Disgrace, and Death of Belisarius—Death and Character of Justinia —Comets, Earthquakes, and Plague

A.D.		PAG
535-545.	The Troubles of Africa	38
543-558.	Rebellion of the Moors	39
540	Revolt of the Goths	39
541-544.	Victories of Totila, King of Italy	39
	Contrast of Greek Vice and Gothic Virtue	39
544-548.	Second Command of Belisarius in Italy	39
546	Rome besieged by the Goths	40
	Attempt of Belisarius	40
	Rome taken by the Goths	40
547	Recovered by Belisarius	40
548	Final Recall of Belisarius	40
549	Rome again taken by the Goths	40
549-551.	Preparations of Justinian for the Gothic War	41
552	Character and Expedition of the Eunuch Narses	41
	Defeat and Death of Totila	41
	Conquest of Rome by Narses	41
553	Defeat and Death of Teias, the last King of the Goths	41
	Invasion of Italy by the Franks and Alemanni	42
554	Defeat of the Franks and Alemanni by Narses	42
554-568.	Settlement of Italy	42
559	Invasion of the Bulgarians	42
	Last Victory of Belisarius	42
561	His Disgrace and Death	42
565	Death and Character of Justinian	43
531-539.	Comets	43
	Earthquakes	43
542	Plague—its Origin and Nature	43
542-594.	Extent and Duration	43

CHAPTER XLIV

Idea of the Roman Jurisprudence—The Laws of the Kings—The Twelv Tables of the Decemvirs—The Laws of the People—The Decrees of th Senate—The Edicts of the Magistrates and Emperors—Authority of th Civilians—Code, Pandects, Novels, and Institutes of Justinian:—. Rights of Persons—II. Rights of Things—III. Private Injuries an Actions—IV. Crimes and Punishments

The Civil or Roman Law	44
Laws of the Kings of Rome	44
The Twelve Tables of the Decemvirs	44
Their Character and Influence	44
Laws of the People	44
Decrees of the Senate	44
Edicts of the Prætors	44
The Perpetual Edict	45
Constitutions of the Emperors	45

A.D.		PAGE
	The Legislative Power	451
	Their Rescripts	452
	Forms of the Roman Law	453
	Succession of the Civil Lawyers	454
303-648.	The first Period	455
648-988.	Second Period	456
988-1230.	Third Period	456
	Their Philosophy	457
	Authority	458
	Sects	459
527	Reformation of the Roman Law by Justinian	461
527-546.	Tribonian	462
528-529.	The Code of Justinian	463
530-533.	The Pandects or Digest	464
	Praise and Censure of the Code and Pandects	465
	Loss of the ancient Jurisprudence	466
	Legal Inconstancy of Justinian	468
534	Second Edition of the Code	469
534-565.	The Novels	469
533	The Institutes	470
	I. Of Persons. Freemen and Slaves	470
	Fathers and Children	472
	Limitations of the paternal Authority	474
	Husbands and Wives	476
	The religious Rites of Marriage	476
	Freedom of the matrimonial Contract	477
	Liberty and Abuse of Divorce	478
	Limitations of the Liberty of Divorce	480
	Incest, Concubines, and Bastards	482
	Guardians and Wards	483
	II. Of Things. Right of Property	484
	Of Inheritance and Succession	487
	Civil Degrees of Kindred	488
	Introduction and Liberty of Testaments	489
	Legacies	490
	Codicils and Trusts	490
	III. Of Actions	491
	Promises	493
	Benefits	494
	Interest of Money	495
	Injuries	496
	IV. Of Crimes and Punishments	497
	Severity of the Twelve Tables	497
	Abolition or Oblivion of Penal Laws	500
	Revival of capital punishments	502
	Measure of Guilt	503
	Unnatural Vice	504
	Rigour of the Christian Emperors	505
	Judgments of the People	506
	Select Judges	507
	Assessors	508
	Voluntary Exile and Death	508
	Abuses of Civil Jurisprudence	509

MAP AND PLAN.

PAG

PART OF CONSTANTINOPLE ILLUSTRATING THE NIKA RIOT 22

MAP OF ITALY 30

THE HISTORY

OF THE

DECLINE AND FALL OF THE ROMAN EMPIRE

CHAPTER XXXVI

Sack of Rome by Genseric, King of the Vandals—His naval Depredations—Succession of the last Emperors of the West, Maximus, Avitus, Majorian, Severus, Anthemius, Olybrius, Glycerius, Nepos, Augustulus—Total Extinction of the Western Empire—Reign of Odoacer, the first Barbarian King of Italy

Naval power of the Vandals. A.D. 439-45

THE loss or desolation of the provinces, from the ocean to the Alps, impaired the glory and greatness of Rome; her internal prosperity was irretrievably destroyed by the separation of Africa. The rapacious Vandals confiscated the patrimonial estates of the senators, and intercepted the regular subsidies which relieved the poverty, and encouraged the idleness, of the plebeians. The distress of the Romans was soon aggravated by an unexpected attack; and the province, so long cultivated for their use by industrious and obedient subjects, was armed against them by an ambitious Barbarian. The Vandals and Alani, who followed the successful standard of Genseric, had acquired a rich and fertile territory, which stretched along the coast above ninety days' journey from Tangier to Tripoli; but their narrow limits were pressed and confined, on either side, by the sandy desert and the Mediterranean. The discovery and conquest of the Black nations, that might dwell beneath the torrid zone, could not tempt the rational ambition of Genseric; but he cast his eyes towards the sea; he resolved to create a naval power; and his bold resolution was executed with steady and active perseverance. The woods of Mount Atlas afforded an inexhaustible nursery of timber; his new subjects were skilled in the arts of navigation and shipbuilding; he animated his daring Vandals to embrace a mode of warfare which would render every mari-

[Genseric's title: King of Vandals and Alani]

time country accessible to their arms; the Moors and Africans were allured by the hopes of plunder; and, after an interval of six centuries, the fleets that issued from the port of Carthage [A.D. 440, &c.] again claimed the empire of the Mediterranean. The success of the Vandals, the conquest of Sicily, the sack of Palermo, and the frequent descents on the coast of Lucania, awakened and alarmed the mother of Valentinian and the sister of Theodosius. Alliances were formed; and armaments, expensive and ineffectual, were prepared, for the destruction of the common enemy, who reserved his courage to encounter those dangers which his policy could not prevent or elude. The designs of the Roman government were repeatedly baffled by his artful delays, ambiguous promises, and apparent concessions; and the interposition of his formidable confederate, the king of the Huns, recalled the emperors from the conquest of Africa to the care of their domestic safety. The revolutions of the palace, which left the Western empire without a defender and without a lawful prince, dispelled the apprehensions, and stimulated the avarice, of Genseric. He immediately equipped a numerous fleet of Vandals and Moors, and cast anchor at the mouth of the Tiber, about three months after the death of Valentinian and the elevation of Maximus to the Imperial throne.

The character and reign of the emperor Maximus. A.D. 455, March 17

The private life of the senator Petronius Maximus[1] was often alleged as a rare example of human felicity. His birth was noble and illustrious, since he descended from the Anician family; his dignity was supported by an adequate patrimony in land and money; and these advantages of fortune were accompanied with liberal arts and decent manners, which adorn or imitate the inestimable gifts of genius and virtue. The luxury of his palace and table was hospitable and elegant. Whenever Maximus appeared in public, he was surrounded by a train of grateful and obsequious clients;[2] and it is possible that among these clients he might deserve and possess some real friends. His merit was rewarded by the favour of the prince and senate; he thrice exercised the office of Prætorian præfect of Italy;[3] he

[1] Sidonius Apollinaris composed the thirteenth epistle of the second book to refute the paradox of his friend Serranus, who entertained a singular, though generous, enthusiasm for the deceased emperor. This epistle, with some indulgence, may claim the praise of an elegant composition; and it throws much light on the character of Maximus.

[2] Clientum prævia, pedisequa, circumfusa populositas, is the train which Sidonius himself (l. i. epist. 9 [§ 3]) assigns to another senator of consular rank.

[3] [Rather, twice Præt. Præf. of Italy, once Præf. of Rome. See Tillemont, v 257.]

was twice invested with the consulship, and he obtained the rank of patrician. These civil honours were not incompatible with the enjoyment of leisure and tranquillity; his hours, according to the demands of pleasure or reason, were accurately distributed by a water-clock; and this avarice of time may be allowed to prove the sense which Maximus entertained of his own happiness. The injury which he received from the emperor Valentinian appears to excuse the most bloody revenge. Yet a philosopher might have reflected that, if the resistance of his wife had been sincere, her chastity was still inviolate, and that it could never be restored if she had consented to the will of the adulterer. A patriot would have hesitated before he plunged himself and his country into those inevitable calamities which must follow the extinction of the royal house of Theodosius. The imprudent Maximus disregarded these salutary considerations: he gratified his resentment and ambition; he saw the bleeding corpse of Valentinian at his feet; and he heard himself saluted emperor by the unanimous voice of the senate and people. But the day of his inauguration was the last day of his happiness. He was imprisoned (such is the lively expression of Sidonius) in the palace; and, after passing a sleepless night, he sighed that he had attained the summit of his wishes, and aspired only to descend from the dangerous elevation. Oppressed by the weight of the diadem, he communicated his anxious thoughts to his friend and quæstor Fulgentius; and, when he looked back with unavailing regret on the secure pleasures of his former life, the emperor exclaimed, "O fortunate Damocles,[4] thy reign began and ended with the same dinner": a well-known allusion, which Fulgentius afterwards repeated as an instructive lesson for princes and subjects.

His death. A.D. 453, June 12 [May 31]

The reign of Maximus continued about three months.[5] His hours, of which he had lost the command, were disturbed by remorse, or guilt, or terror; and his throne was shaken by the seditions of the soldiers, the people, and the confederate Barbarians. The marriage of his son Palladius with the eldest

[4] Districtus ensis cui super impiâ
Cervice pendet, non *Siculae dapes*
Dulcem elaborabunt saporem:
Non avium citharæque cantus
Somnum reducent.
Horat. Carm. iii. 1.
Sidonius concludes his letter with the story of Damocles, which Cicero (Tusculan. v. 20, 21) had so inimitably told.

[5] [Paulo amplius quam bimestris principatus, Sidonius, *ib.* The date of the death of Maximus is May 31 (Prosper); June 12 is given by Anon. Cuspiniani.]

daughter of the late emperor might tend to establish the hereditary succession of his family; but the violence which he offered to the empress Eudoxia could proceed only from the blind impulse of lust or revenge. His own wife, the cause of these tragic events, had been seasonably removed by death; and the widow of Valentinian was compelled to violate her decent mourning, perhaps her real grief, and to submit to the embraces of a presumptuous usurper, whom she suspected as the assassin of her deceased husband. These suspicions were soon justified by the indiscreet confession of Maximus himself; and he wantonly provoked the hatred of his reluctant bride, who was still conscious that she descended from a line of emperors. From the East, however, Eudoxia could not hope to obtain any effectual assistance; her father and her aunt Pulcheria were dead; her mother languished at Jerusalem in disgrace and exile; and the sceptre of Constantinople was in the hands of a stranger. She directed her eyes towards Carthage; secretly implored the aid of the king of the Vandals; and persuaded Genseric to improve the fair opportunity of disguising his rapacious designs by the specious names of honour, justice, and compassion.[6] Whatever abilities Maximus might have shown in a subordinate station, he was found incapable of administering an empire; and, though he might easily have been informed of the naval preparations which were made on the opposite shores of Africa, he expected with supine indifference the approach of the enemy, without adopting any measures of defence, of negotiation, or of a timely retreat. When the Vandals disembarked at the mouth of the Tiber, the emperor was suddenly roused from his lethargy by the clamours of a trembling and exasperated multitude. The only hope which presented itself to his astonished mind was that of a precipitate flight, and he exhorted the senators to imitate the example of their prince. But no sooner did Maximus appear in the streets than he was assaulted by a shower of stones; a Roman, or a Burgundian, soldier claimed the honour of the first wound; his mangled body was ignominiously cast into the Tiber; the Roman people rejoiced in the punishment which they had inflicted on the author of the public calamities;

[6] Notwithstanding the evidence of Procopius, Evagrius, Idatius, Marcellinus, &c., the learned Muratori (Annali d'Italia, tom. iv. p. 249) doubts the reality of this invitation, and observes, with great truth, "Non si può dir quanto sia facile il popolo a sognare e spacciar voci false". But his argument, from the interval of time and place, is extremely feeble. The figs which grew near Carthage were produced to the senate of Rome on the third day. [John Malalas places the invitation in the reign of Theodosius.]

and the domestics of Eudoxia signalized their zeal in the service of their mistress.[7]

Sack of Rome by the Vandals. A.D. 455, June 15-29

On the third day after the tumult, Genseric boldly advanced from the port of Ostia to the gates of the defenceless city. Instead of a sally of the Roman youth, there issued from the gates an unarmed and venerable procession of the bishop at the head of his clergy.[8] The fearless spirit of Leo, his authority and eloquence, *again* mitigated the fierceness of a Barbarian conqueror: the king of the Vandals promised to spare the unresisting multitude, to protect the buildings from fire, and to exempt the captives from torture; and, although such orders were neither seriously given nor strictly obeyed, the mediation of Leo was glorious to himself and in some degree beneficial to his country. But Rome and its inhabitants were delivered to the licentiousness of the Vandals and Moors, whose blind passions revenged the injuries of Carthage. The pillage lasted fourteen days and nights;[9] and all that yet remained of public or private wealth, of sacred or profane treasure, was diligently transported to the vessels of Genseric. Among the spoils, the splendid relics of two temples, or rather of two religions, exhibited a memorable example of the vicissitude of human and divine things. Since the abolition of Paganism, the Capitol had been violated and abandoned; yet the statues of the gods and heroes were still respected, and the curious roof of gilt bronze was reserved for the rapacious hands of Genseric.[10] The holy instruments of the

[7] . . . Infidoque tibi Burgundio ductu
Extorquet trepidas mactandi principis iras.
Sidon. in Panegyr. Avit. 442.
A remarkable line, which insinuates that Rome and Maximus were betrayed by their Burgundian mercenaries. [Binding, Gesch. des burgundisch-romanischen Königr. p. 49, conjectures that there had been a recent Burgundian incursion into Italy.]

[8] The apparent success of pope Leo may be justified by Prosper and the *Historia Miscella;* but the improbable notion of Baronius (A.D. 455, No. 13) that Genseric spared the three apostolical churches is not countenanced even by the doubtful testimony of the *Liber Pontificalis.*

[9] [The phrase of Prosper is noteworthy: per xiv. dies secura et libera scrutatione omnibus opibus suis Roma vacuata est. There was not an indiscriminate pillage, but the treasures were ransacked in a methodical and leisurely way. There is no reason to assume that there was any wanton destruction.]

[10] The profusion of Catulus, the first who gilt the roof of the Capitol, was not universally approved (Plin. Hist. Natur. xxxiii. 18); but it was far exceeded by the emperor's, and the external gilding of the temple cost Domitian 12,000 talents (2,400,000l.). The expressions of Claudian and Rutilius (*luce metalli aemula . . . fastigia astris*, and *confunduntque vagos delubra micantia visus*) manifestly prove that this splendid covering was not removed either by the Christians or the Goths (see Donatus, Roma Antiqua, l. ii. c. p. 125). It should seem that the roof of the Capito was decorated with gilt statues and chariots drawn by four horses.

Jewish worship,[11] the gold table, and the gold candlestick with seven branches, originally framed according to the particular instructions of God himself, and which were placed in the sanctuary of his temple, had been ostentatiously displayed to the Roman people in the triumph of Titus. They were afterwards deposited in the temple of Peace; and at the end of four hundred years the spoils of Jerusalem were transferred from Rome to Carthage, by a Barbarian who derived his origin from the shores of the Baltic. These ancient monuments might attract the notice of curiosity, as well as of avarice. But the Christian churches, enriched and adorned by the prevailing superstition of the times, afforded more plentiful materials for sacrilege; and the pious liberality of pope Leo, who melted six silver vases, the gift of Constantine, each of an hundred pounds weight, is an evidence of the damage which he attempted to repair. In the forty-five years that had elapsed since the Gothic invasion the pomp and luxury of Rome were in some measure restored; and it was difficult either to escape or to satisfy the avarice of a conqueror who possessed leisure to collect, and ships to transport, the wealth of the capital. The Imperial ornaments of the palace, the magnificent furniture and wardrobe, the sideboards of massy plate, were accumulated with disorderly rapine; the gold and silver amounted to several thousand talents; yet even the brass and copper were laboriously removed. Eudoxia herself, who advanced to meet her friend and deliverer, soon bewailed the imprudence of her own conduct. She was rudely stripped of her jewels: and the unfortunate empress, with her two daughters, the only surviving remains of the great Theodosius, was compelled, as a captive, to follow the haughty Vandal; who immediately hoisted sail, and returned with a prosperous navigation to the port of Carthage.[12] Many thousand Romans of both sexes, chosen for some useful or agreeable qualifications, reluctantly embarked on board the fleet of Genseric; and their distress was aggravated by the unfeeling Barbarians, who, in the division of the booty, separated the wives from their husbands, and the children from their parents.

[11] The curious reader may consult the learned and accurate treatise of Hadrian Reland, de Spoliis Templi Hierosolymitani in Arcu Titiano Romæ conspicuis, in 12mo. Trajecti ad Rhenum, 1716.

[12] The vessel which transported the relics of the Capitol was the only one of the whole fleet that suffered shipwreck. If a bigoted sophist, a Pagan bigot, had mentioned the accident, he might have rejoiced that this cargo of sacrilege was lost in the sea.

The charity of Deogratias, bishop of Carthage,[13] was their only consolation and support. He generously sold the gold and silver plate of the church to purchase the freedom of some, to alleviate the slavery of others, and to assist the wants and infirmities of a captive multitude, whose health was impaired by the hardships which they had suffered in their passage from Italy to Africa. By his order, two spacious churches were converted into hospitals; the sick were distributed in convenient beds, and liberally supplied with food and medicines; and the aged prelate repeated his visits both in the day and night, with an assiduity that surpassed his strength, and a tender sympathy which enhanced the value of his services. Compare this scene with the field of Cannæ; and judge between Hannibal and the successor of St. Cyprian.[14]

The emperor Avitus. A.D. 455, July 10th

The deaths of Aetius and Valentinian had relaxed the ties which held the Barbarians of Gaul in peace and subordination. The sea-coast was infested by the Saxons; the Alemanni and the Franks advanced from the Rhine to the Seine; and the ambition of the Goths seemed to meditate more extensive and permanent conquests. The emperor Maximus relieved himself, by a judicious choice, from the weight of these distant cares; he silenced the solicitations of his friends, listened to the voice of fame, and promoted a stranger to the general command of the forces in Gaul. Avitus,[15] the stranger whose merit was so nobly rewarded, descended from a wealthy and honourable family in the diocese of Auvergne. The convulsions of the times urged him to embrace, with the same ardour, the civil and military professions; and the indefatigable youth blended the studies of literature and jurisprudence with the exercise of arms and hunting. Thirty years of his life were laudably spent in the public service; he alternately displayed his talents in war and negotiation; and the soldier of Aetius, after executing the most important embassies, was raised to the station of Prætorian præfect of Gaul. Either [c. 439 A.D.]

[13] See Victor Vitensis, de Persecut. Vandal. l. i. c. 8, p. 11, 12, edit. Ruinart. Deogratias governed the church of Carthage only three years. If he had not been privately buried, his corpse would have been torn piecemeal by the mad devotion of the people.

[14] The general evidence for the death of Maximus and the sack of Rome by the Vandals is comprised in Sidonius (Panegyr. Avit. 441-450), Procopius (de Bell. Vandal. l. i. c. 4, 5, p. 188, 189, and l. ii. c. 9, p. 255), Evagrius (l. ii. c. 7), Jornandes (de Reb. Geticis, c. 45, p. 677), and the Chronicles of Idatius, Prosper, Marcellinus, and Theophanes under the proper year.

[15] The private life and elevation of Avitus must be deduced, with becoming suspicion, from the panegyric pronounced by Sidonius Apollinaris, his subject and his son-in-law.

the merit of Avitus excited envy, or his moderation was desirous of repose, since he calmly retired to an estate which [c. 445 A.D.] he possessed in the neighbourhood of Clermont. A copious stream, issuing from the mountain, and falling headlong in many a loud and foaming cascade, discharged its waters into a lake about two miles in length, and the villa was pleasantly seated on the margin of the lake. The baths, the porticoes, the summer and winter apartments, were adapted to the purposes of luxury and use; and the adjacent country afforded the various prospects of woods, pastures, and meadows.[16] In this retreat, where Avitus amused his leisure with books, rural sports, the practice of husbandry, and the society of his [A.D. 455] friends,[17] he received the Imperial diploma, which constituted him master-general of the cavalry and infantry of Gaul. He assumed the military command; the Barbarians suspended their fury; and, whatever means he might employ, whatever concessions he might be forced to make, the people enjoyed the benefits of actual tranquillity. But the fate of Gaul depended on the Visigoths; and the Roman general, less attentive to his dignity than to the public interest, did not disdain to visit Toulouse in the character of an ambassador. He was received with courteous hospitality by Theodoric, the king of the Goths; but, while Avitus laid the foundation of a solid alliance with that powerful nation, he was astonished by the intelligence that the emperor Maximus was slain and that Rome had been pillaged by the Vandals. A vacant throne, which he might ascend without guilt or danger, tempted his ambition;[18] and the Visigoths were A.D. 455, August 15 easily persuaded to support his claim by their irresistible suffrage. They loved the person of Avitus; they respected his virtues; and they were not insensible of the advantage, as well as honour, of giving an emperor to the West. The season was

[16] After the example of the younger Pliny, Sidonius (l. ii. c. 2) has laboured the florid, prolix, and obscure description of his villa, which bore the name (*Avitacum*), and had been the property, of Avitus. The precise situation is not ascertained. Consult, however, the notes of Savaron and Sirmond.

[17] Sidonius (l. ii. epist. 9) has described the country life of the Gallic nobles, in a visit which he made to his friends, whose estates were in the neighbourhood of Nismes. The morning hours were spent in the *sphaeristerium*, or tennis-court; or in the library, which was furnished with *Latin* authors, profane and religious: the former for the men, the latter for the ladies. The table was twice served, at dinner and supper, with hot meat (boiled and roast) and wine. During the intermediate time, the company slept, took the air on horseback, and used the warm bath.

[18] Seventy lines of Panegyric (505-578) which describe the importunity of Theodoric and of Gaul, struggling to overcome the modest reluctance of Avitus, are blown away by three words of an honest historian: Romanum *ambisset* imperium (Greg. Turon. l. ii. c. 11, in tom. ii. p. 168).

now approaching in which the annual assembly of the seven provinces was held at Arles; their deliberations might perhaps be influenced by the presence of Theodoric and his martial brothers; but their choice would naturally incline to the most illustrious of their countrymen. Avitus, after a decent resistance, accepted the Imperial diadem from the representatives of Gaul; and his election was ratified by the acclamations of the Barbarians and provincials.[19] The formal consent of Marcian, emperor of the East, was solicited and obtained; but the senate, Rome, and Italy, though humbled by their recent calamities, submitted with a secret murmur to the presumption of the Gallic usurper.[20]

Character of Theodoric, king of the Visigoths. A.D. 453-466

Theodoric, to whom Avitus was indebted for the purple, had acquired the Gothic sceptre by the murder of his elder brother Torismond; and he justified this atrocious deed by the design which his predecessor had formed of violating his alliance with the empire.[21] Such a crime might not be incompatible with the virtues of a Barbarian; but the manners of Theodoric were gentle and humane; and posterity may contemplate without terror the original picture of a Gothic king, whom Sidonius had intimately observed in the hours of peace and of social intercourse. In an epistle, dated from the court of Toulouse, the orator satisfies the curiosity of one of his friends, in the following description:[22] "By the majesty of his appearance, Theodoric would command the respect of those who are ignorant of his merit; and, although he is born a prince, his merit would dignify a private station. He is of a middle stature, his body appears rather plump than fat, and in his well-proportioned limbs agility is united with muscular strength.[23] If you ex-

[19] [The assembly was held at Ugernum (Beaucaire) near Arles (Sidon. Carm. 7, 572. Cp. Longnon, Géogr. de la Gaule, p. 437). But it cannot have been the annual assembly of the seven provinces.]

[20] [There is no clear evidence that Marcian acknowledged Avitus. Tillemont conjectured that he refused to do so, and that for this reason the name of Avitus, consul for 456, does not appear in the Consular Fasti.]

[21] Isidore, archbishop of Seville, who was himself of the blood-royal of the Goths, acknowledges and almost justifies (Hist. Goth. p. 718 [p. 279, ed. Mommsen, in Chron. Min. ii.]) the crime which their slave Jornandes had basely dissembled (c. 43, p. 673).

[22] This elaborate description (l. i. ep. ii. p. 2-7) was dictated by some political motive. It was designed for the public eye, and had been shewn by the friends of Sidonius, before it was inserted in the collection of his epistles. The first book was published separately. See Tillemont, Mémoires Ecclés. tom. xvi. p. 264.

[23] I have suppressed in this portrait of Theodoric several minute circumstances and technical phrases, which could be tolerable, or indeed intelligible, to those only who, like the contemporaries of Sidonius, had frequented the markets where naked slaves were exposed to sale (Dubos, Hist. Critique, tom. i. p. 404).

amine his countenance, you will distinguish a high forehead large shaggy eyebrows, an aquiline nose, thin lips, a regular set of white teeth, and a fair complexion that blushes more frequently from modesty than from anger. The ordinary distribution of his time, as far as it is exposed to the public view may be concisely represented. Before daybreak, he repairs, with a small train, to his domestic chapel, where the service is performed by the Arian clergy; but those who presume to interpret his secret sentiments consider this assiduous devotion as the effect of habit and policy. The rest of the morning is employed in the administration of his kingdom. His chair is surrounded by some military officers of decent aspect and behaviour; the noisy crowd of his Barbarian guards occupies the hall of audience, but they are not permitted to stand within the veils or curtains that conceal the council-chamber from vulgar eyes. The ambassadors of the nations are successively introduced: Theodoric listens with attention, answers them with discreet brevity, and either announces or delays, according to the nature of their business, his final resolution. About eight (the second hour) he rises from his throne, and visits either his treasury or his stables. If he chooses to hunt, or at least to exercise himself on horseback, his bow is carried by a favourite youth; but, when the game is marked, he bends it with his own hand, and seldom misses the object of his aim: as a king, he disdains to bear arms in such ignoble warfare; but, as a soldier, he would blush to accept any military service which he could perform himself. On common days his dinner is not different from the repast of a private citizen; but every Saturday many honourable guests are invited to the royal table, which, on these occasions, is served with the elegance of Greece, the plenty of Gaul, and the order and diligence of Italy.[24] The gold or silver plate is less remarkable for its weight than for the brightness and curious workmanship; the taste is gratified without the help of foreign and costly luxury; the size and number of the cups of wine are regulated with a strict regard to the laws of temperance; and the respectful silence that prevails is interrupted only by grave and instructive conversation. After dinner, Theodoric sometimes indulges himself in a short slumber; and, as soon as he wakes, he calls for the dice and tables, encourages his friends to forget the royal majesty, and is delighted when they freely express the passions which are excited by the incidents of play.

[24] Videas ibi elegantiam Græcam, abundantiam Gallicanam, celeritatem Italam; publicam pompam, privatam diligentiam, regiam disciplinam.

At this game, which he loves as the image of war, he alternately displays his eagerness, his skill, his patience, and his cheerful temper. If he loses, he laughs; he is modest and silent if he wins. Yet, notwithstanding this seeming indifference, his courtiers choose to solicit any favour in the moments of victory; and I myself, in my applications to the king, have derived some benefit from my losses.[25] About the ninth hour (three o'clock) the tide of business again returns, and flows incessantly till after sunset, when the signal of the royal supper dismisses the weary crowd of suppliants and pleaders. At the supper, a more familiar repast, buffoons and pantomimes are sometimes introduced, to divert, not to offend, the company by their ridiculous wit; but female singers and the soft effeminate modes of music are severely banished, and such martial tunes as animate the soul to deeds of valour are alone grateful to the ear of Theodoric. He retires from table; and the nocturnal guards are immediately posted at the entrance of the treasury, the palace, and the private apartments."

His expedition into Spain. A.D. 456

When the king of the Visigoths encouraged Avitus to assume the purple, he offered his person and his forces, as a faithful soldier of the republic.[26] The exploits of Theodoric soon convinced the world that he had not degenerated from the warlike virtues of his ancestors. After the establishment of the Goths in Aquitain and the passage of the Vandals into Africa, the Suevi, who had fixed their kingdom in Gallicia, aspired to the conquest of Spain, and threatened to extinguish the feeble remains of the Roman dominion. The provincials of Carthagena and Tarragona, afflicted by an hostile invasion, represented their injuries and their apprehensions. Count Fronto was dispatched, in the name of the emperor Avitus, with advantageous offers of peace and alliance; and Theodoric interposed his weighty mediation, to declare that, unless his brother-in-law, the king of the Suevi, immediately retired, he should be obliged to arm in the cause of justice and of Rome. "Tell him," replied the haughty Rechiarius, "that I despise his friendship and his arms; but that I shall soon try whether he will dare to expect my arrival under the walls of Toulouse." Such a

[25] Tunc etiam ego aliquid obsecraturus feliciter vincor, et mihi [*leg.* quando mihi ad hoc] tabula perit ut causa salvetur. Sidonius of Auvergne was not a subject of Theodoric; but he might be compelled to solicit either justice or favour at the court of Toulouse.

[26] Theodoric himself had given a solemn and voluntary promise of fidelity, which was understood both in Gaul and Spain.

——Romæ sum, te duce, amicus,
Principe te, MILES.

Sidon. Panegyr. Avit. 511.

challenge urged Theodoric to prevent the bold designs of his enemy: he passed the Pyrenees at the head of the Visigoths; the Franks and Burgundians served under his standard; and, though he professed himself the dutiful servant of Avitus, he privately stipulated, for himself and his successors, the absolute possession of his Spanish conquests. The two armies, [Oct. 5] or rather the two nations, encountered each other on the banks [Asturica] of the river Urbicus, about twelve miles from Astorga; and the decisive victory of the Goths appeared for a while to have extirpated the name and kingdom of the Suevi. From the field [Bracara] of battle Theodoric advanced to Braga, their metropolis, which still retained the splendid vestiges of its ancient commerce and dignity.[27] His entrance was not polluted with blood, and the Goths respected the chastity of their female captives, more especially of the consecrated virgins; but the greatest part of the clergy and people were made slaves, and even the churches and altars were confounded in the universal pillage. The un- [Portucale = Oporto] fortunate king of the Suevi had escaped to one of the ports of the ocean; but the obstinacy of the winds opposed his flight; he was delivered to his implacable rival; and Rechiarius, who neither desired nor expected mercy, received, with manly constancy, the death which he would probably have inflicted. After this bloody sacrifice to policy or resentment, Theodoric [Emerita] carried his victorious arms as far as Merida, the principal town of Lusitania, without meeting any resistance, except from the miraculous powers of St. Eulalia; but he was stopped in the full career of success, and recalled from Spain, before he could provide for the security of his conquests. In his retreat towards the Pyrenees, he revenged his disappointment on the country through which he passed; and, in the sack of Pollentia and Astorga, he shewed himself a faithless ally, as well as a cruel enemy. Whilst the king of the Visigoths fought and vanquished in the name of Avitus, the reign of Avitus had expired; and both the honour and the interest of Theodoric were deeply wounded by the disgrace of a friend, whom he had seated on the throne of the Western empire.[28]

[27] Quæque sinu pelagi jactat se Bracara dives.

Auson. de Claris Urbibus, p. 245.

From the design of the king of the Suevi, it is evident that the navigation from the ports of Gallicia to the Mediterranean was known and practised. The ships of Bracara, or Braga, cautiously steered along the coast, without daring to lose themselves in the Atlantic.

[28] The Suevic war is the most authentic part of the Chronicle of Idatius, who as bishop of Iria Flavia, was himself a spectator and a sufferer. Jornandes (c. 44, p. 675, 676, 677) has expatiated with pleasure on the Gothic victory.

The pressing solicitations of the senate and people persuaded the emperor Avitus to fix his residence at Rome and to accept the consulship for the ensuing year. On the first day of January, his son-in-law, Sidonius Apollinaris, celebrated his praises in a panegyric of six hundred verses; but this composition, though it was rewarded with a brass statue,[29] seems to contain a very moderate proportion either of genius or of truth. The poet, if we may degrade that sacred name, exaggerates the merit of a sovereign and a father; and his prophecy of a long and glorious reign was soon contradicted by the event. Avitus, at a time when the Imperial dignity was reduced to a pre-eminence of toil and danger, indulged himself in the pleasures of Italian luxury; age had not extinguished his amorous inclinations; and he is accused of insulting, with indiscreet and ungenerous raillery, the husbands whose wives he had seduced or violated.[30] But the Romans were not inclined either to excuse his faults or to acknowledge his virtues. The several parts of the empire became every day more alienated from each other; and the stranger of Gaul was the object of popular hatred and contempt. The senate asserted their legitimate claim in the election of an emperor; and their authority, which had been originally derived from the old constitution, was again fortified by the actual weakness of a declining monarchy. Yet even such a monarchy might have resisted the votes of an unarmed senate, if their discontent had not been supported, or perhaps inflamed, by Count Ricimer, one of the principal commanders of the Barbarian troops, who formed the military defence of Italy. The daughter of Wallia, king of the Visigoths, was the mother of Ricimer; but he was descended, on the father's side, from the nation of the Suevi;[31] his pride, or patriotism, might be exasperated by the misfortunes of his countrymen; and he obeyed, with reluctance, an emperor in whose elevation he had not been consulted. His faithful

Avitus is deposed. A.D. 456, Oct. 16

[29] In one of the porticoes or galleries belonging to Trajan's library, among the statues of famous writers and orators. Sidon. Apoll. l. ix. epist. 16, p. 284. Carm. viii. p. 350

[30] Luxuriose agere volens a senatoribus projectus est, is the concise expression of Gregory of Tours (l. ii. c. xi. in tom. ii. p. 168). An old Chronicle (in tom. ii. p. 649) mentions an indecent jest of Avitus, which seems more applicable to Rome than to Treves. [There is no other evidence against the moral character of Avitus, and Gibbon does not show his usual judiciousness in accepting it. See Holder-Egger, Neues Archiv, ii. p. 274; Hodgkin, ii. 393-5.]

[31] Sidonius (Panegyr. Anthem. 362, &c.) praises the royal birth of Ricimer, the lawful heir, as he chooses to insinuate, both of the Gothic and Suevic kingdoms.

[A.D. 456] and important services against the common enemy rendered him still more formidable ;[32] and, after destroying, on the coas of Corsica, a fleet of Vandals, which consisted of sixty galleys Ricimer returned in triumph with the appellation of the De liverer of Italy. He chose that moment to signify to Avitus tha his reign was at an end ; and the feeble emperor, at a distanc [Sept., Oct.] from his Gothic allies, was compelled, after a short and un availing struggle, to abdicate the purple. By the clemency however, or the contempt, of Ricimer,[33] he was permitted t descend from the throne to the more desirable station of bisho of Placentia ; but the resentment of the senate was still un satisfied, and their inflexible severity pronounced the sentenc of his death. He fled towards the Alps, with the humble hope not of arming the Visigoths in his cause, but of securing hi person and treasures in the sanctuary of Julian, one of th tutelar saints of Auvergne.[34] Disease, or the hand of the exe cutioner, arrested him on the road ; yet his remains wer decently transported to Brivas, or Brioude, in his native pro vince, and he reposed at the feet of his holy patron.[35] Avitu [Papianilla] left only [36] one daughter, the wife of Sidonius Apollinaris, wh inherited the patrimony of his father-in-law ; lamenting, at th same time, the disappointment of his public and private expec tations. His resentment prompted him to join, or at least t countenance, the measures of a rebellious faction in Gaul ; an the poet had contracted some guilt, which it was incumben

[32] See the Chronicle of Idatius. Jornandes (c. 44, p. 676) styles him, wit some truth, virum egregium, et pene tunc in Italiâ ad exercitum singularem.

[33] Parcens innocentiæ Aviti, is the compassionate but contemptuous languag of Victor Tunnunensis (in Chron. apud. Scaliger Euseb.). In another place, h calls him, vir totius simplicitatis. This commendation is more humble, but it more solid and sincere, than the praises of Sidonius. [Some further details as t the fall of Avitus are derived from John of Antioch (Müller, F. H. G. 4, fr. 202,- a "Constantinian" fragment ; see Appendix 1). The Roman populace blamed hi for a famine, which broke out in the city ; he was compelled to disband his Vis gothic bodyguard ; to pay whom, having no money, he stripped public edifices their copper.]

[34] He suffered, as it is supposed, in the persecution of Diocletian (Tillemon Mém. Ecclés. tom. v. p. 279, 696). Gregory of Tours, his peculiar votary, h dedicated to the glory of Julian the Martyr an entire book (de Gloriâ Martyrur l. ii. in Max. Bibliot. Patrum, tom. xi. p. 861-871), in which he relates about fif foolish miracles performed by his relics.

[35] Gregory of Tours (l. ii. c. xi. p. 168) is concise, but correct, in the reign his countryman. The words of Idatius, "caret imperio, caret et vitâ," seem imply that the death of Avitus was violent ; but it must have been secret, sin Evagrius (l. ii. c. 7) could suppose that he died of the plague.

[36] [He had also a son Ecdicius, who subsequently distinguished himself in th defence of Auvergne in A.D. 474.]

on him to expiate by a new tribute of flattery to the succeeding emperor.[37]

Character and elevation of Majorian. A.D. 457 [Julius Valerius Majorianus]

The successor of Avitus presents the welcome discovery of a great and heroic character, such as sometimes arise in a degenerate age, to vindicate the honour of the human species. The emperor Majorian has deserved the praises of his contemporaries, and of posterity; and these praises may be strongly expressed in the words of a judicious and disinterested historian: "That he was gentle to his subjects; that he was terrible to his enemies; and that he excelled in *every* virtue *all* his predecessors who had reigned over the Romans".[38] Such a testimony may justify at least the panegyric of Sidonius; and we may acquiesce in the assurance that, although the obsequious orator would have flattered, with equal zeal, the most worthless of princes, the extraordinary merit of his object confined him, on this occasion, within the bounds of truth.[39] Majorian derived his name from his maternal grandfather, who in the reign of the great Theodosius had commanded the troops of the Illyrian frontier. He gave his daughter in marriage to the father of Majorian, a respectable officer, who administered the revenues of Gaul with skill and integrity, and generously preferred the friendship of Aetius to the tempting offers of an insidious court. His son, the future emperor, who was educated in the profession of arms, displayed, from his early youth, intrepid courage, premature wisdom, and unbounded liberality in a scanty fortune. He followed the standard of Aetius, contributed to his success, shared and sometimes eclipsed his glory, and at last excited the jealousy of the patrician, or rather of his wife, who forced him to

[A.D. 379] [quæstor]

[37] After a modest appeal to the examples of his brethren, Virgil and Horace, Sidonius honestly confesses the debt, and promises payment.

Sic mihi diverso nuper sub Marte cadenti
Jussisti placido [Leo reads *erecto*] victor ut essem animo.
Serviat ergo tibi servati lingua poetæ,
Atque meæ vitæ laus tua sit pretium.
Sidon. Apoll. carm. iv. p. 308.

See Dubos, Hist. Critique, tom. i. p. 448, &c.

[38] The words of Procopius deserve to be transcribed; οὗτος γὰρ ὁ Μαιορῖνος ὑμπαντας τοὺς πώποτε Ῥωμαίων βεβασιλευκότας ὑπεραίρων ἀρετῇ πάσῃ; and afterwards, νὴρ τὰ μὲν εἰς τοὺς ὑπηκόους μέτριος γεγονὼς, φοβερὸς δὲ τὰ ἐς τοὺς πολεμίους (de Bell. Vandal. l. i. c. 7, p. 194): a concise but comprehensive definition of royal virtue.

[39] The panegyric was pronounced at Lyons before the end of the year 458, while the emperor was still consul. It has more art than genius and more labour than art. The ornaments are false or trivial, the expression is feeble and prolix; and Sidonius wants the skill to exhibit the principal figure in a strong and distinct light. The private life of Majorian occupies about two hundred lines, 107-305.

retire from the service.[40] Majorian, after the death of Aetius was recalled, and promoted; and his intimate connexion with count Ricimer was the immediate step by which he ascended the throne of the Western empire. During the vacancy that succeeded the abdication of Avitus, the ambitious Barbarian whose birth excluded him from the Imperial dignity, governed Italy, with the title of Patrician; resigned, to his friend, the conspicuous station of master-general of the cavalry and infantry [A.D. 457, Feb. 28] and, after an interval of some months, consented to the unanimous wish of the Romans, whose favour Majorian had solicited by a recent victory over the Alemanni.[41] He was invested with the purple at Ravenna, and the epistle which he addressed to [April 1] the senate will best describe his situation and his sentiments. "Your election, Conscript Fathers! and the ordinance of the most valiant army, have made me your emperor.[42] May the propitious Deity direct and prosper the consuls and events of my administration, to your advantage, and to the public welfare. For my own part, I did not aspire, I have submitted, to reign; nor should I have discharged the obligations of a citizen, if I had refused, with base and selfish ingratitude, to support the weight of those labours which were imposed by the republic. Assist, therefore, the prince whom you have made; partake the duties which you have enjoined; and may our common endeavours promote the happiness of an empire which I have accepted from your hands. Be assured that, in our times, justice shall resume her ancient vigour, and that virtue shall become not only innocent but meritorious. Let none, except the authors themselves, be apprehensive of *delations*,[43] which, as a subject, I have always

[40] She pressed his immediate death, and was scarcely satisfied with his disgrace. It should seem that Actius, like Belisarius and Marlborough, was governed by his wife; whose fervent piety, though it might work miracles (Gregor. Turon. l. ii. 7, p. 162), was not incompatible with base and sanguinary counsels.

[41] The Alemanni had passed the Rhætian Alps, and were defeated in the *Campi Canini* or Valley of Bellinzone, through which the Tesin flows, in its descent from Mount Adula to the Lago Maggiore (Cluver. Italia Antiq. tom. i. p. 100, 101). This boasted victory over *nine hundred* Barbarians (Panegyr. Majorian. 373, &c.) betrays the extreme weakness of Italy.

[42] Imperatorem me factum, P. C., electionis vestræ arbitrio, et fortissimi exercitus ordinatione agnoscite (Novell. Majorian. tit. iii. p. 34, ad Calcem Cod. Theodos.). Sidonius proclaims the unanimous voice of the empire.

———Postquam ordine vobis
Ordo omnis regnum dederat; *plebs*, *curia*, *miles*,
Et *collega* simul.—[Carm. 5] 386.

This language is ancient and constitutional; and we may observe that the *clergy* were not yet considered as a distinct order of the state.

[43] Either dilationes or delationes would afford a tolerable reading; but there is much more sense and spirit in the latter, to which I have therefore given the preference.

condemned, and, as a prince, will severely punish. Our own vigilance, and that of our father, the patrician Ricimer, shall regulate all military affairs, and provide for the safety of the Roman world, which we have saved from foreign and domestic enemies.[44] You now understand the maxims of my government: you may confide in the faithful love and sincere assurances of a prince who has formerly been the companion of your life and dangers, who still glories in the name of senator, and who is anxious that you should never repent of the judgment which you have pronounced in his favour." The emperor, who, amidst the ruins of the Roman world, revived the ancient language of law and liberty which Trajan would not have disclaimed, must have derived those generous sentiments from his own heart; since they were not suggested to his imitation by the customs of his age, or the example of his predecessors.[45]

The private and public actions of Majorian are very imperfectly known; but his laws, remarkable for an original cast of thought and expression, faithfully represent the character of a sovereign who loved his people, who sympathized in their distress, who had studied the causes of the decline of the empire, and who was capable of applying (as far as such reformation was practicable) judicious and effectual remedies to the public disorders.[46] His regulations concerning the finances manifestly tended to remove, or at least to mitigate, the most intolerable grievances. I. From the first hour of his own reign, he was solicitous (I translate his own words) to relieve the *weary* fortunes of the provincials, oppressed by the accumulated weight of indictions and superindictions.[47] With this view he granted an universal amnesty, a final and absolute discharge of all arrears[48] of tribute, of all debts, which, under any pretence, the fiscal

His salutary laws. A.D. 457-461

[Tit. 2]

[44] Ab externo hoste et a domesticâ clade liberavimus; by the latter, Majorian must understand the tyranny of Avitus; whose death he consequently avowed as a meritorious act. On this occasion, Sidonius is fearful and obscure; he describes the twelve Cæsars, the nations of Africa, &c., that he may escape the dangerous name of Avitus (305-369).

[45] See the whole edict or epistle of Majorian to the senate (Novell. tit. iv. p. 34). Yet the expression, *regnum nostrum*, bears some taint of the age, and does not mix kindly with the word *respublica*, which he frequently repeats.

[46] See the laws of Majorian (they are only nine, but very long and various) at the end of the Theodosian Code, Novell. l. iv. p. 32-37. Godefroy has not given any commentary on these additional pieces.

[47] Fessas provincialium variâ atque multiplici tributorum exactione fortunas, et extraordinariis fiscalium solutionum oneribus attritas, &c. Novell. Majorian. tit. v. p. 34.

[48] [Of more than eleven years' standing.]

officers might demand from the people. This wise derelict of obsolete, vexatious, and unprofitable claims improved a purified the sources of the public revenue; and the subject w could now look back without despair might labour with ho and gratitude for himself and for his country. II. In the asse ment and collection of taxes Majorian restored the ordin jurisdiction of the provincial magistrates, and suppressed t extraordinary commissions which had been introduced in t name of the emperor himself or of the Prætorian præfects. T favourite servants, who obtained such irregular powers, w insolent in their behaviour and arbitrary in their demands; th affected to despise the subordinate tribunals, and they were c contented if their fees and profits did not twice exceed the s which they condescended to pay into the treasury. One instan [Tit. 7] of their extortion would appear incredible, were it not auth ticated by the legislator himself. They exacted the wh payment in gold; but they refused the current coin of t empire, and would accept only such ancient pieces as w stamped with the names of Faustina or the Antonines. T subject who was unprovided with these curious medals h recourse to the expedient of compounding with their rapaci demands; or, if he succeeded in the research, his imposit was doubled, according to the weight and value of the mo [Tit. 7] of former times.[49] III. "The municipal corporations (says emperor), the lesser senates (so antiquity has justly sty them), deserve to be considered as the heart of the cities a the sinews of the republic. And yet so low are they r reduced, by the injustice of magistrates and the venality collectors, that many of their members, renouncing their digr and their country, have taken refuge in distant and obsc exile." He urges, and even compels, their return to th respective cities; but he removes the grievance which forced them to desert the exercise of their municipal functi They are directed, under the authority of the provincial ma trates, to resume their office of levying the tribute; but, inst of being made responsible for the whole sum assessed on th district, they are only required to produce a regular accoun the payments which they have actually received, and of

[49] The learned Greaves (vol. i. p. 329, 330, 331) has found, by a diligent enq that *aurei* of the Antonines weighed one hundred and eighteen, and those o fifth century only sixty-eight, English grains. Majorian gives currency to all coin, excepting only the *Gallic solidus*, from its deficiency, not in the weight in the standard.

defaulters who are still indebted to the public. IV. But [Tit. 3] Majorian was not ignorant that these corporate bodies were too much inclined to retaliate the injustice and oppression which they had suffered; and he therefore revives the useful office of the *defenders of cities*. He exhorts the people to elect, in a full and free assembly, some man of discretion and integrity, who would dare to assert their privileges, to represent their grievances, to protect the poor from the tyranny of the rich, and to inform the emperor of the abuses that were committed under the sanction of his name and authority.

The spectator, who casts a mournful view over the ruins of ancient Rome, is tempted to accuse the memory of the Goths and Vandals, for the mischief which they had neither leisure, nor power, nor perhaps inclination, to perpetrate. The tempest of war might strike some lofty turrets to the ground; but the destruction which undermined the foundations of those massy fabrics was prosecuted, slowly and silently, during a period of ten centuries; and the motives of interest that afterwards operated without shame or control were severely checked by the taste and spirit of the emperor Majorian. The decay of the city had gradually impaired the value of the public works. The circus and theatres might still excite, but they seldom gratified, the desires of the people; the temples, which had escaped the zeal of the Christians, were no longer inhabited either by gods or men; the diminished crowds of the Romans were lost in the immense space of their baths and porticoes; and the stately libraries and halls of justice became useless to an indolent generation, whose repose was seldom disturbed either by study or business. The monuments of consular, or Imperial, greatness were no longer revered as the immortal glory of the capital; they were only esteemed as an inexhaustible mine of materials, cheaper and more convenient than the distant quarry. Specious petitions were continually addressed to the easy magistrates of Rome, which stated the want of stones or bricks for some necessary service; the fairest forms of architecture were rudely defaced for the sake of some paltry, or pretended, repairs; and the degenerate Romans, who converted the spoil to their own emolument, demolished with sacrilegious hands the labours of their ancestors. Majorian, who had often sighed over the [Tit. 4] desolation of the city, applied a severe remedy to the growing evil.[50] He reserved to the prince and senate the sole cognisance

The edifices of Rome

[50] The whole edict (Novell. Majorian. tit. vi. p. 35) is curious. "Antiquarum ædium dissipatur speciosa constructio; et ut [earum] aliquid reparetur, magna

of the extreme cases which might justify the destruction of a ancient edifice; imposed a fine of fifty pounds of gold (tw thousand pounds sterling) on every magistrate who shou presume to grant such illegal and scandalous licence; an threatened to chastise the criminal obedience of their subordi ate officers, by a severe whipping and the amputation of bo their hands. In the last instance, the legislature might see to forget the proportion of guilt and punishment; but his ze arose from a generous principle, and Majorian was anxious protect the monuments of those ages in which he would ha desired and deserved to live. The emperor conceived that was his interest to increase the number of his subjects; that was his duty to guard the purity of the marriage-bed; but t means which he employed to accomplish these salutary purpos [Tit. 6] are of an ambiguous, and perhaps exceptionable, kind. T pious maids, who consecrated their virginity to Christ, we restrained from taking the veil till they had reached th fortieth year. Widows under that age were compelled to fo a second alliance within the term of five years, by the forfeitu of half their wealth to their nearest relations or to the sta Unequal marriages were condemned or annulled. The punis ment of confiscation and exile was deemed so inadequate the guilt of adultery, that, if the criminal returned to Italy, might, by the express declaration of Majorian, be slain wi impunity.[51]

Majorian prepares to invade Africa. A.D. 457

While the emperor Majorian assiduously laboured to resto the happiness and virtue of the Romans, he encountered t arms of Genseric, from his character and situation, their m formidable enemy. A fleet of Vandals and Moors landed the mouth of the Liris, or Garigliano; but the Imperial troo surprised and attacked the disorderly Barbarians, who we encumbered with the spoils of Campania; they were chas with slaughter to their ships, and their leader, the kin brother-in-law, was found in the number of the slain.[52] Su

diruuntur. Hinc jam occasio nascitur, ut etiam unusquisque privatum ædifici construens, per gratiam judicum . . . præsumere de publicis locis necessaria transferre non dubitet," &c. With equal zeal, but with less power, Petrarch the fourteenth century, repeated the same complaints (Vie de Petrarque, ton p. 326, 327). If I prosecute this Historv, I shall not be unmindful of the dec and fall of the *city* of Rome; an interesting object, to which my plan was ori ally confined. [See chap. lxxi.]

[51] The emperor chides the lenity of Rogatian, consular of Tuscany, in a styl acrimonious reproof, which sounds almost like personal resentment (Novell. ix. p. 47). The law of Majorian, which punished obstinate widows, was s afterwards repealed by his successor Severus (Novell. Sever. tit. i. p. 37).

[52] Sidon. Panegyr. Majorian. 385-440.

igilance might announce the character of the new reign; but ne strictest vigilance and the most numerous forces were in-fficient to protect the long-extended coast of Italy from the epredations of a naval war. The public opinion had imposed nobler and more arduous task on the genius of Majorian. ome expected from him alone the restitution of Africa; and ne design which he formed, of attacking the Vandals in their ew settlements, was the result of bold and judicious policy. f the intrepid emperor could have infused his own spirit into ne youth of Italy; if he could have revived, in the field of lars, the manly exercises in which he had always surpassed his quals; he might have marched against Genseric at the head f a *Roman* army. Such a reformation of national manners ight be embraced by the rising generation; but it is the isfortune of those princes who laboriously sustain a declining onarchy that, to obtain some immediate advantage, or to vert some impending danger, they are forced to countenance, nd even to multiply, the most pernicious abuses. Majorian, ke the weakest of his predecessors, was reduced to the dis-raceful expedient of substituting Barbarian auxiliaries in the lace of his unwarlike subjects; and his superior abilities could nly be displayed in the vigour and dexterity with which he ielded a dangerous instrument, so apt to recoil on the hand that sed it. Besides the confederates, who were already engaged n the service of the empire, the fame of his liberality and valour ttracted the nations of the Danube, the Borysthenes, and erhaps of the Tanais. Many thousands of the bravest subjects f Attila, the Gepidæ, the Ostrogoths, the Rugians, the Bur-ndians, the Suevi, the Alani, assembled in the plains of iguria; and their formidable strength was balanced by their utual animosities.[53] They passed the Alps in a severe winter. he emperor led the way on foot, and in complete armour; ounding, with his long staff, the depth of the ice, or snow, and ncouraging the Scythians, who complained of the extreme cold, y the cheerful assurance that they should be satisfied with the eat of Africa. The citizens of Lyons had presumed to shut [A.D. 458 or 459] heir gates: they soon implored, and experienced, the clemency f Majorian. He vanquished Theodoric in the field; and

[53] The review of the army, and passage of the Alps, contain the most tolerable ssages of the Panegyric (470-552). M. de Buat (Hist des Peuples, etc., tom. i. p. 49-55) is a more satisfactory commentator than either Savaron or Sirmond. The Gepids are not mentioned in the list. But in this passage Sidonius is re-rring to a campaign in Pannonia, not to the expedition to Africa, which was not ganised till A.D. 460, after Majorian's successful war with the Visigoths.]

admitted to his friendship and alliance a king whom he had found not unworthy of his arms. The beneficial, though precarious, reunion of the greatest part of Gaul and Spain was the effect of persuasion, as well as of force;[54] and the independent Bagaudæ, who had escaped, or resisted, the oppression of former reigns, were disposed to confide in the virtues of Majorian. His camp was filled with Barbarian allies; his throne was supported by the zeal of an affectionate people; but the emperor had foreseen that it was impossible, without a maritime power, to achieve the conquest of Africa. In the first Punic war, the republic had exerted such incredible diligence that, within sixty days after the first stroke of the axe had been given in the forest, a fleet of one hundred and sixty galleys proudly rode at anchor in the sea.[55] Under circumstances much less favourable, Majorian equalled the [A.D. 460] spirit and perseverance of the ancient Romans. The woods of the Apennine were felled; the arsenals and manufactures of Ravenna and Misenum were restored; Italy and Gaul vied with each other in liberal contributions to the public service; and the Imperial navy, of three hundred large galleys, with an adequate proportion of transports and smaller vessels, was collected in the secure and capacious harbour of Carthagena in Spain.[56] The intrepid countenance of Majorian animated his troops with a confidence of victory; and, if we might credit the historian Procopius, his courage sometimes hurried him beyond the bounds of prudence. Anxious to explore, with his own eyes, the state of the Vandals, he ventured, after disguising the colour of his hair, to visit Carthage in the character of his own ambassador; and Genseric was afterwards mortified by the discovery that he had entertained and dismissed the emperor of the Romans. Such an anecdote may be rejected as an improbable fiction; but it is a

[54] Τὰ μὲν ὅπλοις, τὰ δὲ λόγοις, is the just and forcible distinction of Priscus (Excerpt. Legat. p. 42 [fr. 27]) in a short fragment, which throws much light on the history of Majorian. Jornandes has suppressed the defeat and alliance of the Visigoths, which were solemnly proclaimed in Gallicia, and are marked in the Chronicle of Idatius [§ 197, p. 31, ed. Mommsen].

[55] Florus, l. ii. c. 2. He amuses himself with the poetical fancy that the trees had been transformed into ships; and indeed the whole transaction, as it is related in the first book of Polybius, deviates too much from the probable course of human events.

[56] Interea duplici texis dum littore classem
Inferno superoque mari, cadit omnis in æquor
Silva tibi, &c.——

Sidon. Panegyr. Majorian. 441-461

The number of ships which Priscus fixes at 300 is magnified by an indefinite comparison with the fleets of Agamemnon, Xerxes, and Augustus.

ction which would not have been imagined, unless in the life f a hero.[57]

Without the help of a personal interview, Genseric was ufficiently acquainted with the genius and designs of his dversary. He practised his customary arts of fraud and delay, ut he practised them without success. His applications for eace became each hour more submissive, and perhaps more incere; but the inflexible Majorian had adopted the ancient naxim that Rome could not be safe as long as Carthage existed n a hostile state. The king of the Vandals distrusted the alour of his native subjects, who were enervated by the luxury f the South;[58] he suspected the fidelity of the vanquished eople, who abhorred him as an Arian tyrant; and the desperate neasure, which he executed, of reducing Mauritania into a esert,[59] could not defeat the operations of the Roman emperor, vho was at liberty to land his troops on any part of the frican coast. But Genseric was saved from impending and nevitable ruin by the treachery of some powerful subjects, nvious, or apprehensive, of their master's success. Guided by heir secret intelligence, he surprised the unguarded fleet in he bay of Carthagena; many of the ships were sunk, or taken, r burnt; and the preparations of three years were destroyed in single day.[60] After this event, the behaviour of the two ntagonists shewed them superior to their fortune. The Vandal, nstead of being elated by this accidental victory, immediately enewed his solicitations for peace. The emperor of the West, vho was capable of forming great designs, and of supporting eavy disappointments, consented to a treaty, or rather to a spension of arms; in the full assurance that, before he could

The loss of his fleet

[57] Procopius de Bell. Vandal. l. i. c. 8, p. 194. When Genseric conducted his nknown guest into the arsenal of Carthage, the arms clashed of their own accord. Majorian had tinged his yellow locks with a black colour.

[58] ——Spoliisque potitus
Immensis, robur luxû jam perdidit omne,
Quo valuit dum pauper erat.
Panegyr. Majorian. 330.

e afterwards applies to Genseric, unjustly as it should seem, the vices of his bjects.

[59] He burnt the villages, and poisoned the springs (Priscus, p. 42). Dubos (Hist. itique, tom. i. p. 475) observes that the magazines which the Moors buried in the rth might escape his destructive search. Two or three hundred pits are sometimes ig in the same place, and each pit contains at least 400 bushels of corn. haw's Travels, p. 139.

[60] Idatius, who was safe in Gallicia from the power of Ricimer, boldly and nestly declares, Vandali, per proditores admoniti, &c.; he dissembles, however, e name of the traitor.

restore his navy, he should be supplied with provocations to justify a second war. Majorian returned to Italy, to prosecute his labours for the public happiness; and, as he was conscious of his own integrity, he might long remain ignorant of the dark conspiracy which threatened his throne and his life. The recent misfortune of Carthagena sullied the glory which had dazzled the eyes of the multitude; almost every description of civil and military officers were exasperated against the Reformer, since they all derived some advantage from the abuses which he endeavoured to suppress; and the patrician Ricimer impelled the inconstant passions of the Barbarians against a prince whom he esteemed and hated. The virtues of Majorian could not protect him from the impetuous sedition which broke out in the [Aug. 2] camp near Tortona, at the foot of the Alps. He was compelled to abdicate the Imperial purple: five days after his abdication, His death. A.D. 461, August 7 it was reported that he died of a dysentery;[61] and the humble tomb, which covered his remains, was consecrated by the respect and gratitude of succeeding generations.[62] The private character of Majorian inspired love and respect. Malicious calumny and satire excited his indignation, or, if he himself were the object, his contempt; but he protected the freedom of wit, and, in the hours which the emperor gave to the familiar society of his friends, he could indulge his taste for pleasantry, without degrading the majesty of his rank.[63]

Ricimer reigns under the name of Severus. A.D. 461-467 It was not perhaps without some regret that Ricimer sacrificed his friend to the interest of his ambition; but he resolved, in a second choice, to avoid the imprudent preference of superior virtue and merit. At his command the obsequious senate of Rome bestowed the Imperial title on Libius Severus, [Proclaimed at Ravenna. Nov. 19, A.D. 461] who ascended the throne of the West without emerging from

[61] Procop. de Bell. Vandal. l. i. c. 8, p. 194. The testimony of Idatius is fair and impartial; "Majorianum de Galliis Romam redeuntem et Romano imperio vel nomini res necessarias ordinantem, Richimer livore percitus, et *invidorum* consilio ultus, fraude interficit circumventum". Some read *Suevorum*, and I am unwilling to efface either of the words, as they express the different accomplices who united in the conspiracy of Majorian. [For date of his deposition and death see Fasti Vindob. Priores, in Chron. Minora, i. p. 305. Cp. Appendix 1.]

[62] See the Epigrams of Ennodius, No. CXXXV. inter Sirmond. Opera, tom. i. p. 1903. It is flat and obscure; but Ennodius was made bishop of Pavia fifty years after the death of Majorian, and his praise deserves credit and regard [CCCLIV. p. 256, ed. Vogel].

[63] Sidonius gives a tedious account (l. i. epist. xi. p. 25-31) of a supper at Arles to which he was invited by Majorian, a short time before his death. He had no intention of praising a deceased emperor, but a casual disinterested remark [§ 12] "Subrisit Augustus; ut erat, auctoritate servatâ, cum se communioni dedisset joci plenus," outweighs the six hundred lines of his venal panegyric.

ıe obscurity of a private condition. History has scarcely deigned
) notice his birth, his elevation, his character, or his death. [Aug. 15, A.D. 465]
everus expired, as soon as his life became inconvenient to his
atron ;[64] and it would be useless to discriminate his nominal
eign in the vacant interval of six years, between the death of
Iajorian and the elevation of Anthemius. During that period,
ıe government was in the hands of Ricimer alone ; and,
though the modest Barbarian disclaimed the name of king,
e accumulated treasures, formed a separate army, negotiated
rivate alliances, and ruled Italy with the same independent
ıd despotic authority which was afterwards exercised by
Odoacer and Theodoric. But his dominions were bounded by Revolt of Marcellinus in Dalmatia
ıe Alps ; and two Roman generals, Marcellinus and Ægidius,
ıaintained their allegiance to the republic, by rejecting, with
isdain, the phantom which he styled an emperor. Marcellinus
ill adhered to the old religion ; and the devout Pagans, who
ecretly disobeyed the laws of the church and state, applauded
is profound skill in the science of divination. But he possessed
ıe more valuable qualifications of learning, virtue, and courage ;[65]
ıe study of the Latin literature had improved his taste ; and
is military talents had recommended him to the esteem and
onfidence of the great Aetius, in whose ruin he was involved.
y a timely flight, Marcellinus escaped the rage of Valentinian,
ıd boldly asserted his liberty amidst the convulsions of the
Vestern empire. His voluntary, or reluctant, submission to
ıe authority of Majorian was rewarded by the government of
icily and the command of an army, stationed in that island to
ppose, or to attack, the Vandals ; but his Barbarian mercenaries,
ter the emperor's death, were tempted to revolt by the art-
l liberality of Ricimer. At the head of a band of faithful
llowers, the intrepid Marcellinus occupied the province of
almatia, assumed the title of Patrician of the West, secured
ıe love of his subjects by a mild and equitable reign, built a
eet which claimed the dominion of the Hadriatic, and alter-

[64] Sidonius (Paneg. Anth. 317) dismisses him to heaven.

Auxerat Augustus naturæ lege Severus
Divorum numerum ———

ıd an old list of the emperors, composed about the time of Justinian, praises his
ty, and fixes his residence at Rome (Sirmond, Not. ad Sidon. p. 111, 112). [He
s a native of Lucania.]

[65] Tillemont, who is always scandalized by the virtues of Infidels, attributes this vantageous portrait of Marcellinus (which Suidas has preserved) to the partial al of some Pagan historian (Hist. des Empereurs, tom. vi. p. 330).

nately alarmed the coasts of Italy and of Africa.[66] Ægidius the master-general of Gaul, who equalled, or at least who imitated, the heroes of ancient Rome,[67] proclaimed his immortal resentment against the assassins of his beloved master. A brave and numerous army was attached to his standard; and though he was prevented by the arts of Ricimer, and the arms of the Visigoths, from marching to the gates of Rome, he maintained his independent sovereignty beyond the Alps, and rendered the name of Ægidius respectable both in peace and war. The Franks, who had punished with exile the youthful follies of Childeric, elected the Roman general for their king; his vanity, rather than his ambition, was gratified by that singular honour; and, when the nation, at the end of four years repented of the injury which they had offered to the Merovingian family, he patiently acquiesced in the restoration of the lawful prince. The authority of Ægidius ended only with his life; and the suspicions of poison and secret violence, which derived some countenance from the character of Ricimer, were eagerly entertained by the passionate credulity of the Gauls.[68]

and of Ægidius in Gaul

[A.D. 464-5]

Naval war of the Vandals. A.D. 461-467

The kingdom of Italy, a name to which the Western empire was gradually reduced, was afflicted, under the reign of Ricimer, by the incessant depredations of the Vandal pirates.[69] In the

[66] Procopius de Bell. Vandal. l. i. c. 6, p. 191. In various circumstances of the life of Marcellinus, it is not easy to reconcile the Greek historian with the Latin Chronicles of the times.

[67] I must apply to Ægidius the praises which Sidonius (Panegyr. Majorian. 553) bestows on a nameless master-general, who commanded the rear guard of Majorian. Idatius, from public report, commends his Christian piety; and Priscus mentions (p. 42 [fr. 30]) his military virtues.

[68] Greg. Turon. l. ii. c. 12 in tom. ii. p. 168. The Père Daniel, whose ideas were superficial and modern, has started some objections against the story of Childeric (Hist. de France, tom. i. Préface Historique, p. lxxviii. &c.); but they have been fairly satisfied by Dubos (Hist. Critique, tom. i. p. 460-510) and by two authors who disputed the prize of the Academy of Soissons (p. 131-177, 310-339). With regard to the term of Childeric's exile, it is necessary either to prolong the life of Ægidius beyond the date assigned by the Chronicle of Idatius, or to correct the text of Gregory, by reading *quarto* anno, instead of *octavo*.

[69] The naval war of Genseric is described by Priscus (Excerpta Legation. p. 47 [fr. 29], Procopius (de Bell. Vandal. l. i. c. 5, p. 189, 190, and c. 22, p. 228), Victor Vitensis (de Persecut. Vandal. l. i. c. 17, and Ruin. p. 467-481), and in the three panegyrics of Sidonius, whose chronological order is absurdly transposed in the editions both of Savaron and Sirmond. (Avit. Carm. vii. 441-451, Majorian. Carm. v. 327-350, 385-440. Anthem. Carm. ii. 348-386.) In one passage the poet seems inspired by his subject, and expresses a strong idea by a lively image [Carm. 2, 348, *sqq.*]:—

——Hinc Vandalus hostis
Urget; et in nostrum numerosâ classe quotannis

pring of each year they equipped a formidable navy in the ort of Carthage; and Genseric himself, though in a very dvanced age, still commanded in person the most important xpeditions. His designs were concealed with impenetrable ecrecy, till the moment that he hoisted sail. When he was sked by his pilot, what course he should steer; "Leave the etermination to the winds (replied the Barbarian with pious rogance); *they* will transport us to the guilty coast, whose nhabitants have provoked the divine justice;" but, if Genseric imself deigned to issue more precise orders, he judged the nost wealthy to be the most criminal. The Vandals repeatedly isited the coasts of Spain, Liguria, Tuscany, Campania, Lucania, Bruttium, Apulia, Calabria, Venetia, Dalmatia, Epirus, Greece, nd Sicily; they were tempted to subdue the island of Sardinia, o advantageously placed in the centre of the Mediterranean; nd their arms spread desolation, or terror, from the columns of Hercules to the mouth of the Nile. As they were more amitious of spoil than of glory, they seldom attacked any fortified ities or engaged any regular troops in the open field. But the elerity of their motions enabled them, almost at the same time, o threaten and to attack the most distant objects which ttracted their desires; and, as they always embarked a sufficient umber of horses, they had no sooner landed than they swept he dismayed country with a body of light cavalry. Yet, notvithstanding the example of their king, the native Vandals and Alani insensibly declined this toilsome and perilous warfare; the ardy generation of the first conquerors was almost extinguished, nd their sons, who were born in Africa, enjoyed the delicious aths and gardens which had been acquired by the valour of heir fathers. Their place was readily supplied by a various nultitude of Moors and Romans, of captives and outlaws; and hose desperate wretches who had already violated the laws of heir country were the most eager to promote the atrocious acts vhich disgrace the victories of Genseric. In the treatment of is unhappy prisoners, he sometimes consulted his avarice, and ometimes indulged his cruelty; and the massacre of five undred noble citizens of Zant or Zacynthus, whose mangled

Militat excidium; conversoque ordine Fati
Torrida Caucaseos infert mihi Byrsa furores.

Italy was also attacked on another side in the year 464 by an invasion of Alani, epulsed by Ricimer near Bergamo ad Pedem Montis (a phrase which, as Mr. Hodgkin observes, suggests Piedmont). Anon. Cuspin. ad ann.]

bodies he cast into the Ionian sea, was imputed, by the public indignation, to his latest posterity.

Negotiations with the Eastern empire. A.D. 462, &c.

Such crimes could not be excused by any provocations; but the war which the king of the Vandals prosecuted against the Roman empire was justified by a specious and reasonable motive. The widow of Valentinian, Eudoxia, whom he had led captive from Rome to Carthage, was the sole heiress of the Theodosian house; her elder daughter, Eudocia, became the reluctant wife of Hunneric, his eldest son; and the stern father, asserting a legal claim, which could not easily be refuted or satisfied, demanded a just proportion of the Imperial patrimony. An adequate, or at least a valuable, compensation was offered by the [A.D. 462] Eastern emperor, to purchase a necessary peace. Eudoxia and her younger daughter, Placidia, were honourably restored, and the fury of the Vandals was confined to the limits of the Western empire. The Italians, destitute of a naval force, which alone was capable of protecting their coasts, implored the aid of the more fortunate nations of the East; who had formerly acknowledged, in peace and war, the supremacy of Rome. But the perpetual division of the two empires had alienated their interest and their inclinations; the faith of a recent treaty was alleged; and the Western Romans, instead of arms and ships, could only obtain the assistance of a cold and ineffectual mediation. The haughty Ricimer, who had long struggled with the difficulties of his situation, was at length reduced to address the throne of Constantinople, in the humble language of a subject; and Italy submitted, as the price and security of the alliance, to accept a master from the choice of the emperor of the East.[70] It is not the purpose of the present chapter [or even of the present volume][70a] to continue the distinct series of the Byzantine history; but a concise view of the reign and character of the Emperor Leo may explain the last efforts that were attempted to save the falling empire of the West.[71]

[70] The poet himself is compelled to acknowledge the distress of Ricimer [ii. 352]

Præterea invictus Ricimer, quem publica fata
Respiciunt, *proprio* solus vix *Marte* repellit
Piratam per rura vagum ———

Italy addresses her complaint to the Tiber, and Rome, at the solicitation of the river-god, transports herself to Constantinople, renounces her ancient claims and implores the friendship of Aurora, the goddess of the East. This fabulous machinery, which the genius of Claudian had used and abused, is the constant and miserable resource of the muse of Sidonius.

[70a] [Vol. 3 of the quarto ed. ended with the Fall of the Western Empire: below p. 169.]

[71] The original authors of the reigns of Marcian, Leo, and Zeno are reduced to some imperfect fragments, whose deficiencies must be supplied from the more recent compilations of Theophanes, Zonaras, and Cedrenus.

Since the death of the younger Theodosius, the domestic repose of Constantinople had never been interrupted by war or faction. Pulcheria had bestowed her hand, and the sceptre of the East, on the modest virtue of Marcian; he gratefully reverenced her august rank and virgin chastity; and, after her death, he gave his people the example of the religious worship that was due to the memory of the Imperial saint.[72] Attentive to the prosperity of his own dominions, Marcian seemed to behold with indifference the misfortunes of Rome; and the obstinate refusal of a brave and active prince to draw his sword against the Vandals was ascribed to a secret promise, which had formerly been exacted from him when he was a captive in the power of Genseric.[73] The death of Marcian, after a reign of seven years, would have exposed the East to the danger of a popular election, if the superior weight of a single family had not been able to incline the balance in favour of the candidate whose interest they supported. The patrician Aspar might have placed the diadem on his own head, if he would have subscribed the Nicene creed.[74] During three generations the armies of the East were successively commanded by his father, by himself, and by his son Ardaburius; his Barbarian guards formed a military force that overawed the palace and the capital; and the liberal distribution of his immense treasures rendered Aspar as popular as he was powerful. He recommended the obscure name of Leo of Thrace, a military tribune, and the principal steward of his household. His nomination was unanimously ratified by the senate; and the servant of Aspar received the Imperial crown from the hands of the patriarch or bishop, who was permitted to express, by this unusual ceremony, the suffrage of the Deity.[75] This emperor, the first of the name of Leo, has been distinguished by the title of the *Great,* from a succession of princes, who gradually fixed, in the opinion of

Leo, emperor of the East. A.D. 457-474

[A.D. 457]

[72] St. Pulcheria died A.D. 453, four years before her nominal husband, and her festival is celebrated on the 10th of September by the modern Greeks; she bequeathed an immense patrimony to pious, or at least to ecclesiastical, uses. See Tillemont, Mémoires Ecclés. tom. xv. p. 181-184.

[73] See Procopius de Bell. Vandal. l. i. c. 4, p. 185.

[74] From this disability of Aspar to ascend the throne, it may be inferred that the stain of *Heresy* was perpetual and indelible, while that of *Barbarism* disappeared in the second generation. [Aspar, son of Ardaburius, was of Alanic race. He was consul in A.D. 434.]

[75] Theophanes, p. 95. This appears to be the first origin of a ceremony which all the Christian princes of the world have since adopted, and from which the clergy have deduced the most formidable consequences.

the Greeks, a very humble standard of heroic, or at least royal, perfection. Yet the temperate firmness with which L resisted the oppression of his benefactor shewed that he was co scious of his duty and of his prerogative. Aspar was astonish to find that his influence could no longer appoint a præfect Constantinople: he presumed to reproach his sovereign wi a breach of promise, and, insolently shaking his purple, "It not proper (said he) that the man who is invested with th garment should be guilty of lying". "Nor is it proper (repli Leo) that a prince should be compelled to resign his ov judgment, and the public interest, to the will of a subject." After this extraordinary scene, it was impossible that the r conciliation of the emperor and the patrician could be sincer or, at least, that it could be solid and permanent. An army Isaurians[77] was secretly levied, and introduced into Constan nople; and, while Leo undermined the authority, and prepar the disgrace, of the family of Aspar, his mild and cautio behaviour restrained them from any rash and desperate tempts, which might have been fatal to themselves or th enemies. The measures of peace and war were affect by this internal revolution. As long as Aspar degraded t majesty of the throne, the secret correspondence of religi and interest engaged him to favour the cause of Genser When Leo had delivered himself from that ignominious ser tude, he listened to the complaints of the Italians; resolv to extirpate the tyranny of the Vandals; and declared alliance with his colleague, Anthemius, whom he solemnly vested with the diadem and purple of the West.

Anthemius, emperor of the West. A.D. 467 472

The virtues of Anthemius have perhaps been magnified, sin the Imperial descent, which he could only deduce from t usurper Procopius, has been swelled into a line of emperor But the merit of his immediate parents, their honours, a their riches, rendered Anthemius one of the most illustri

[76] Cedrenus (p. 345, 346 [*leg.* p. 346, 347; ed. Bonn. i. p. 607]), who was versant with the writers of better days, has preserved the remarkable words Aspar, βασιλεῦ, τὸν ταύτην τὴν ἀλουργίδα περιβεβλημένον οὐ χρὴ διαψεύδεσθαι.

[77] The power of the Isaurians agitated the Eastern empire in the two succeed reigns of Zeno and Anastasius; but it ended in the destruction of those Barbar who maintained their fierce independence about two hundred and thirty years.

[78] ——— Tali tu civis ab urbe
Procopio genitore micas; cui prisca propago
Augustis venit a *proavis*.

The poet (Sidon. Panegyr. Anthem. 67-306) then proceeds to relate the private and fortunes of the future emperor, with which he must have been very imperfe acquainted.

subjects of the East. His father Procopius obtained, after his Persian embassy, the rank of general and patrician; and the name of Anthemius was derived from his maternal grandfather, the celebrated præfect, who protected, with so much ability and success, the infant reign of Theodosius. The grandson of the præfect was raised above the condition of a private subject, by his marriage with Euphemia, the daughter of the emperor Marcian. This splendid alliance, which might supersede the necessity of merit, hastened the promotion of Anthemius to the successive dignities of count, of master-general, of consul, and of patrician; and his merit or fortune claimed the honours of a victory which was obtained on the banks of the Danube over the Huns. Without indulging an extravagant ambition, the son-in-law of Marcian might hope to be his successor; but Anthemius supported the disappointment with courage and patience; and his subsequent elevation was universally approved by the public, who esteemed him worthy to reign, till he ascended the throne.[79] The emperor of the West marched from Constantinople, attended by several counts of high distinction, and a body of guards, almost equal to the strength and numbers of a regular army; he entered Rome in triumph, A.D. 467, April 12 and the choice of Leo was confirmed by the senate, the people, and the Barbarian confederates of Italy.[80] The solemn inauguration of Anthemius was followed by the nuptials of his daughter and the patrician Ricimer: a fortunate event which was considered as the firmest security of the union and happiness of the state. The wealth of two empires was ostentatiously displayed; and many senators completed their ruin by an expensive effort to disguise their poverty. All serious business was suspended during this festival; the courts of justice were shut; the streets of Rome, the theatres, the places of public and private resort, resounded with hymenæal songs and dances; and the royal bride, clothed in silken robes, with a crown on her head, [Alypia] was conducted to the palace of Ricimer, who had changed his military dress for the habit of a consul and a senator. On this memorable occasion, Sidonius, whose early ambition had been so fatally blasted, appeared as the orator of Auvergne, among the provincial deputies who addressed the throne with congratu-

[79] Sidonius discovers, with tolerable ingenuity, that this disappointment added new lustre to the virtues of Anthemius (210, &c.), who declined one sceptre and reluctantly accepted another (22, &c.).

[80] The poet again celebrates the unanimity of all orders of the state (15-22); and the Chronicle of Idatius mentions the forces which attended his march.

A.D. 468, January 1

lations or complaints.[81] The calends of January were no approaching, and the venal poet, who had loved Avitus an esteemed Majorian, was persuaded by his friends to celebrat in heroic verse, the merit, the felicity, the second consulsh and the future triumphs of the emperor Anthemius. Sidoni pronounced, with assurance and success, a panegyric which still extant; and, whatever might be the imperfections eith of the subject or of the composition, the welcome flatterer w immediately rewarded with the præfecture of Rome; a digni which placed him among the illustrious personages of th empire, till he wisely preferred the more respectable charact of a bishop and a saint.[82]

The festival of the Lupercalia

The Greeks ambitiously commend the piety and catholic fai of the emperor whom they gave to the West; nor do they fo get to observe that, when he left Constantinople, he converte his palace into the pious foundation of a public bath, a churc and an hospital for old men.[83] Yet some suspicious appearanc are found to sully the theological fame of Anthemius. Fro the conversation of Philotheus, a Macedonian sectary, he ha imbibed the spirit of religious toleration; and the heretics Rome would have assembled with impunity, if the bold a vehement censure which pope Hilary pronounced in the chur of St. Peter had not obliged him to abjure the unpopular i dulgence.[84] Even the Pagans, a feeble and obscure remna conceived some vain hopes from the indifference or partiali of Anthemius; and his singular friendship for the philosoph Severus, whom he promoted to the consulship, was ascrib

[81] Interveni autem [*leg.* etenim] nuptiis Patricii Ricimeris, cui filia peren Augusti in spem publicæ securitatis copulabatur [Epp. i. 5, 10]. The journey Sidonius from Lyons, and the festival of Rome, are described with some spi L. i. epist. 5, p. 9-13. Epist. 9, p. 21. [The name of the daughter of Anthem is given by John of Antioch, F. H. G. iv. frag. 209.]

[82] Sidonius (l. i. epist. 9, 23, 24) very fairly states his motive, his labour, a his reward. "Hic ipse Panegyricus, si [*leg.* etsi] non judicium, certe eventu boni operis, accepit." He was made bishop of Clermont, A.D. 471 [or 4 Tillemont, Mém. Ecclés. tom. xvi. p. 750.

[83] The palace of Anthemius stood on the banks of the Propontis. In the ni century, Alexius, the son-in-law of the emperor Theophilus, obtained permissio purchase the ground; and ended his days in a monastery which he founded that delightful spot. Ducange, Constantinopolis Christiana, pp. 117, 152.

[84] Papa Hilarus . . . apud beatum Petrum Apostolum, palam ne id fieret, cl voce constrinxit, in tantum ut non ea facienda cum interpositione juramenti ic promitteret Imperator. Gelasius, Epistol. ad Andronicum, apud Baron. A.D. No. 2. The cardinal observes, with some complacency, that it was much ea to plant heretics at Constantinople than at Rome.

to a secret project of reviving the ancient worship of the gods.[85] These idols were crumbled into dust, and the mythology which had once been the creed of nations was so universally disbelieved that it might be employed without scandal, or at least without suspicion, by Christian poets.[86] Yet the vestiges of superstition were not absolutely obliterated, and the festival of the Lupercalia, whose origin had preceded the foundation of Rome, was still celebrated under the reign of Anthemius. The savage and simple rites were expressive of an early state of society before the invention of arts and agriculture. The rustic deities who presided over the toils and pleasures of the pastoral life, Pan, Faunus, and their train of satyrs, were such as the fancy of shepherds might create, sportive, petulant, and lascivious; whose power was limited, and whose malice was inoffensive. A goat was the offering the best adapted to their character and attributes; the flesh of the victim was roasted on willow spits; and the riotous youths who crowded to the feast ran naked about the fields, with leather thongs in their hands, communicating, as it was supposed, the blessing of fecundity to the women whom they touched.[87] The altar of Pan was erected, perhaps by Evander the Arcadian, in a dark recess in the side of the Palatine hill, watered by a perpetual fountain, and shaded by an hanging grove. A tradition that, in the same place, Romulus and Remus were suckled by the wolf rendered it still more sacred and venerable in the eyes of the Romans; and this sylvan spot was gradually surrounded by the stately edifices of the Forum.[88] After the conversion of the Imperial city, the Christians still continued, in the month of February, the annual celebration of the Lupercalia; to which they ascribed a secret and mysterious influence on the genial powers of the animal and vegetable world. The bishops of Rome were solicitous to

[85] Damascius, in the life of the philosopher Isidore, apud Photium, p. 1049 [340]. Damascius, who lived under Justinian, composed another work, consisting of 570 præternatural stories of souls, dæmons, apparitions, the dotage of Platonic Paganism.

[86] In the poetical works of Sidonius, which he afterwards condemned (l. ix. epist. 16, p. 285), the fabulous deities are the principal actors. If Jerom was scourged by the angels for only reading Virgil, the bishop of Clermont, for such a vile imitation, deserved an additional whipping from the Muses.

[87] Ovid (Fast. l. ii. 267-452) has given an amusing description of the follies of antiquity, which still inspired so much respect that a grave magistrate, running naked through the streets, was not an object of astonishment or laughter.

[88] See Dionys. Halicarn. l. i. p. 25, 65, edit. Hudson [79]. The Roman antiquaries, Donatus (l. ii. c. 18, p. 173, 174) and Nardini (p. 386, 387), have laboured to ascertain the true situation of the Lupercal.

abolish a profane custom, so repugnant to the spirit of Chri tianity; but their zeal was not supported by the authority the civil magistrate: the inveterate abuse subsisted till the en of the fifth century, and pope Gelasius, who purified the capit from the last stain of idolatry, appeased, by a formal apolog the murmurs of the senate and people.[89]

Preparations against the Vandals of Africa. A.D. 468

In all his public declarations, the emperor Leo assumes th authority, and professes the affection, of a father for his so Anthemius, with whom he had divided the administration the universe.[90] The situation, and perhaps the character, Leo dissuaded him from exposing his person to the toils an dangers of an African war. But the powers of the Easter empire were strenuously exerted to deliver Italy and the Med terranean from the Vandals; and Genseric, who had so lon oppressed both the land and the sea, was threatened from eve side with a formidable invasion. The campaign was opened b a bold and successful enterprise of the præfect Heraclius The troops of Egypt, Thebais, and Libya were embarked und his command; and the Arabs, with a train of horses and camel opened the roads of the desert. Heraclius landed on the coa of Tripoli, surprised and subdued the cities of that province, an prepared, by a laborious march, which Cato had formerly ex cuted,[92] to join the Imperial army under the walls of Carthag The intelligence of this loss extorted from Genseric some i

[89] Baronius published, from the Mss. of the Vatican, this epistle of pope Ge sius (A.D. 496, No. 28-45), which is entitled Adversus Andromachum Senatore cæterosque Romanos, qui Lupercalia secundum morem pristinum colenda co stituebant. Gelasius always supposes that his adversaries are nominal Christia and, that he may not yield to them in absurd prejudice, he imputes to this harml festival all the *calamities* of the age.

[90] Itaque nos quibus totius mundi regimen commisit superna provisio. . . . P et triumphator semper Augustus filius noster Anthemius, licet Divina Majesta nostra creatio pietati ejus plenam Imperii commiserit potestatem, etc. . . . Such the dignified style of Leo, whom Anthemius respectfully names Dominus et Pa meus Princeps sacratissimus Leo. See Novell. Anthem. tit. ii. iii. p. 38, ad calc Cod. Theod.

[91] The expedition of Heraclius is clouded with difficulties (Tillemont, Hist. Empereurs, tom. vi. p. 640), and it requires some dexterity to use the circumstan afforded by Theophanes without injury to the more respectable evidence of P copius.

[92] The march of Cato from Berenice, in the province of Cyrene, was much lon than that of Heraclius from Tripoli. He passed the deep sandy desert in th days, and it was found necessary to provide, besides the ordinary supplies, a gr number of skins filled with water, and several *Psylli*, who were supposed to poss the art of sucking the wounds which had been made by the serpents of their na country. See Plutarch in Caton. Uticens. tom. iv. p. 275 (c. 56). Strab Geograph. l. xvii. p. 1193. [Cp. Lucan, Pharsalia, Bk. ix.]

idious and ineffectual propositions of peace; but he was still nore seriously alarmed by the reconciliation of Marcellinus with he two empires. The independent patrician had been per-uaded to acknowledge the legitimate title of Anthemius, whom ie accompanied in his journey to Rome; the Dalmatian fleet was eceived into the harbours of Italy; the active valour of Marcellinus xpelled the Vandals from the island of Sardinia; and the languid efforts of the West added some weight to the immense prepara-ions of the Eastern Romans. The expense of the naval armament, vhich Leo sent against the Vandals, has been distinctly ascer-ained; and the curious and instructive account displays the vealth of the declining empire. The royal demesnes, or private patrimony of the prince, supplied seventeen thousand pounds of gold; forty-seven thousand pounds of gold, and seven hundred housand of silver, were levied and paid into the treasury by he Prætorian præfects. But the cities were reduced to extreme poverty; and the diligent calculation of fines and forfeitures, as valuable object of the revenue, does not suggest the idea of a ust or merciful administration. The whole expense, by what-ver means it was defrayed, of the African campaign amounted o the sum of one hundred and thirty thousand pounds of gold, bout five millions two hundred thousand pounds sterling, at a ime when the value of money appears, from the comparative rice of corn, to have been somewhat higher than in the present ge.[93] The fleet that sailed from Constantinople to Carthage, onsisted of eleven hundred and thirteen ships, and the number f soldiers and mariners exceeded one hundred thousand men. Basiliscus, the brother of the empress Verina, was entrusted with his important command. His sister, the wife of Leo, had ex-ggerated the merit of his former exploits against the Scythians. But the discovery of his guilt, or incapacity, was reserved for the frican war; and his friends could only save his military re-utation by asserting that he had conspired with Aspar to spare Genseric and to betray the last hope of the Western empire.

Experience has shewn that the success of an invader most **Failure of the expedition**

[93] The principal sum is clearly expressed by Procopius (de Bell. Vandal. l. i. c. p. 191); the smaller constituent parts, which Tillemont (Hist. des Empereurs, m. vi. p. 396) has laboriously collected from the Byzantine writers [Candidus, H. G. iv. p. 137], are less certain, and less important. The historian Malchus ments the public misery (Excerpt. ex Suida in Corp. Hist. Byzant. p. 58 [fr. 24]), it he is surely unjust when he charges Leo with hoarding the treasures which he torted from the people. [John Lydus, de Mag. 3, 43, computes the cost at ,000 pounds of gold and 700,000 of silver; which approaches the sum given by rocopius.]

commonly depends on the vigour and celerity of his operations The strength and sharpness of the first impression are blunte by delay; the health and spirit of the troops insensibly languish in a distant climate; the naval and military force, a mighty effort which perhaps can never be repeated, is silently consumed and every hour that is wasted in negotiation accustoms th enemy to contemplate and examine those hostile terrors which on their first appearance, he deemed irresistible. The formid able navy of Basiliscus pursued its prosperous navigation fron the Thracian Bosphorus to the coast of Africa. He landed hi troops at Cape Bona, or the promontory of Mercury, about fort miles from Carthage.[94] The army of Heraclius and the fleet o Marcellinus either joined or seconded the Imperial lieutenant and the Vandals, who opposed his progress by sea or land, wer successively vanquished.[95] If Basiliscus had seized the momen of consternation and boldly advanced to the capital, Carthag must have surrendered, and the kingdom of the Vandals wa extinguished. Genseric beheld the danger with firmness, an eluded it with his veteran dexterity. He protested, in the mos respectful language, that he was ready to submit his person an his dominions to the will of the emperor; but he requested truce of five days to regulate the terms of his submission; an it was universally believed that his secret liberality contribute to the success of this public negotiation. Instead of obstinatel refusing whatever indulgence his enemy so earnestly solicite the guilty, or the credulous, Basiliscus consented to the fat truce; and his imprudent security seemed to proclaim that h already considered himself as the conqueror of Africa. Durin this short interval, the wind became favourable to the designs Genseric. He manned his largest ships of war with the brave of the Moors and Vandals, and they towed after them man large barques filled with combustible materials. In the obsc rity of the night these destructive vessels were impelled again the unguarded and unsuspecting fleet of the Romans, who we awakened by the sense of their instant danger. Their close an crowded order assisted the progress of the fire, which was cor municated with rapid and irresistible violence; and the noi

[94] This promontory is forty miles from Carthage (Procop. l. i. c. 6, p. 192) a twenty leagues from Sicily (Shaw's Travels, p. 89). Scipio landed further in t bay, at the fair promontory; see the animated description of Livy, xxix. 26, 27.

[95] Theophanes (p. 100) affirms that many ships of the Vandals were sunk. Th assertion of Jornandes (de Successione Regn.) that Basiliscus attacked Cartha must be understood in a very qualified sense.

of the wind, the crackling of the flames, the dissonant cries of the soldiers and mariners, who could neither command nor obey, increased the horror of the nocturnal tumult. Whilst they laboured to extricate themselves from the fire-ships, and to save at least a part of the navy, the galleys of Genseric assaulted them with temperate and disciplined valour; and many of the Romans, who escaped the fury of the flames, were destroyed or taken by the victorious Vandals. Among the events of that disastrous night the heroic, or rather desperate, courage of John, one of the principal officers of Basiliscus, has rescued his name from oblivion. When the ship, which he had bravely defended, was almost consumed, he threw himself in his armour into the sea, disdainfully rejected the esteem and pity of Genso, the son of Genseric, who pressed him to accept honourable quarter, and sunk under the waves; exclaiming, with his last breath, that he would never fall alive into the hands of those impious dogs. Actuated by a far different spirit, Basiliscus, whose station was the most remote from danger, disgracefully fled in the beginning of the engagement, returned to Constantinople with the loss of more than half of his fleet and army, and sheltered his guilty head in the sanctuary of St. Sophia, till his sister, by her tears and entreaties, could obtain his pardon from the indignant emperor. Heraclius effected his retreat through the desert; Marcellinus retired to Sicily, where he was assassinated, perhaps [Aug., A.D. 468] at the instigation of Ricimer, by one of his own captains; and the king of the Vandals expressed his surprise and satisfaction that the Romans themselves should remove from the world his most formidable antagonists.[96] After the failure of this great expedition, Genseric again became the tyrant of the sea: the coasts of Italy, Greece and Asia were again exposed to his revenge and avarice; Tripoli and Sardinia returned to his obedience; he added Sicily to the number of his provinces; and, before he died, in the fulness of years and of glory, he A.D. 477 beheld the final extinction of the empire of the West.[97]

Conquests of the Visigoths in Spain and Gaul. A.D. 462-472

During his long and active reign, the African monarch had studiously cultivated the friendship of the Barbarians of Europe,

[96] Damascius in Vit. Isidor. apud Phot. p. 1048 [342]. It will appear, by comparing the three short chronicles of the times, that Marcellinus had fought near Carthage and was killed in Sicily. [The date of his death is given in Anon. Cusp.]

[97] For the African war, see Procopius (de Bell. Vandal. l. i. c. 6, p. 191, 192, 193), Theophanes (p. 99, 100, 101), Cedrenus (p. 349, 350 [i. 613, ed. Bonn]), and Zonaras (tom. ii. l. xiv. p. 50, 51 [c. 1]). Montesquieu (Considérations sur la Grandeur, &c., c. xx. tom. iii. p. 497) has made a judicious observation on the failure of these great naval armaments.

whose arms he might employ in a seasonable and effectua diversion against the two empires. After the death of Attila, h renewed his alliance with the Visigoths of Gaul; and the sons o the elder Theodoric, who successively reigned over that warlik nation, were easily persuaded, by the sense of interest, to forge the cruel affront which Genseric had inflicted on their sister.[9] The death of the emperor Majorian delivered Theodoric th second from the restraint of fear, and perhaps of honour; h violated his recent treaty with the Romans; and the ampl territory of Narbonne, which he firmly united to his dominion became the immediate reward of his perfidy. The selfish polic of Ricimer encouraged him to invade the provinces which wer in the possession of Ægidius, his rival; but the active count, b the defence of Arles and the victory of Orleans, saved Gau and checked, during his lifetime, the progress of the Visigoth Their ambition was soon rekindled; and the design of extinguis ing the Roman empire in Spain and Gaul was conceived, an almost completed, in the reign of Euric, who assassinated h brother Theodoric, and displayed, with a more savage tempe superior abilities both in peace and war. He passed th Pyrenees at the head of a numerous army, subdued the citi of Saragossa and Pampeluna, vanquished in battle the marti nobles of the Tarragonese province, carried his victorious arm into the heart of Lusitania, and permitted the Suevi to ho the kingdom of Gallicia under the Gothic monarchy of Spain. The efforts of Euric were not less vigorous or less successf in Gaul; and, throughout the country that extends from th Pyrenees to the Rhone and the Loire, Berry and Auvergn were the only cities, or dioceses, which refused to acknowledg him as their master.[100] In the defence of Clermont, their pri cipal town, the inhabitants of Auvergne sustained with inflexib resolution the miseries of war, pestilence and famine; and th Visigoths, relinquishing the fruitless siege, suspended the hop of that important conquest. The youth of the province we animated by the heroic and almost incredible valour of Ecdicius

[98] Jornandes is our best guide through the reigns of Theodoric II. and Eu (de Rebus Geticis, c. 44, 45, 46, 47, p. 675-681). Idatius ends too soon, and Isido is too sparing of the information which he might have given on the affairs Spain. The events that relate to Gaul are laboriously illustrated in the third bo of the Abbé Dubos, Hist. Critique, tom. i. p. 424-620.

[99] See Mariana, Hist. Hispan. tom. i. l. v. c. 5, p. 162.

[100] An imperfect, but original, picture of Gaul, more especially of Auvergne shewn by Sidonius; who, as a senator, and afterwards as a bishop, was deep interested in the fate of his country. See l. v. [*leg.* vii.] epist. i. 5, 9, &c.

he son of the emperor Avitus,[101] who made a desperate sally vith only eighteen horsemen, boldly attacked the Gothic rmy, and, after maintaining a flying skirmish, retired safe and ictorious within the walls of Clermont. His charity was equal o his courage: in a time of extreme scarcity four thousand oor were fed at his expense, and his private influence levied n army of Burgundians for the deliverance of Auvergne. rom *his* virtues alone the faithful citizens of Gaul derived any opes of safety or freedom; and even such virtues were inufficient to avert the impending ruin of their country, since hey were anxious to learn from his authority and example, whether they should prefer the alternative of exile or servitude.[102] The public confidence was lost; the resources of the state were exhausted; and the Gauls had too much reason to believe that Anthemius, who reigned in Italy, was incapable of protecting his distressed subjects beyond the Alps. The feeble emperor could only procure for their defence the service of twelve thousand British auxiliaries. Riothamus, one of the independent kings, or chieftains, of the island, was persuaded to transport his troops to the continent of Gaul; he sailed up the Loire, and established his quarters in Berry, where the people complained of these oppressive allies, till they were destroyed, or dispersed, by the arms of the Visigoths.[103]

Trial of Arvandus. A.D 468 [469]

One of the last acts of jurisdiction, which the Roman senate exercised over their subjects of Gaul, was the trial and condemnation of Arvandus the Prætorian præfect. Sidonius, who rejoices that he lived under a reign in which he might pity and assist a state criminal, has expressed with tenderness and freedom, the faults of his indiscreet and unfortunate friend.[104] From the perils which he had escaped, Arvandus imbibed

[101] Sidonius, l. iii. epist. 3, p. 65-68. Greg. Turon. l. ii. c. 24, in tom. ii. p. 174. Jornandes, c. 45, p. 675. Perhaps Ecdicius was only the son-in-law of Avitus, his wife's son by another husband. [He was the brother of Papianilla, the wife of Sidonius, and daughter of Avitus; see Sidon. ep. v. 16.]

[102] Si nullæ a republicâ vires, nulla præsidia, si nullæ, quantum rumor est, Anthemii principis opes, statuit, te auctore, nobilitas seu patriam dimittere seu capillos (Sidon. l. ii. epist. 1, p. 33). The last words (Sirmond, Not. p. 25) may likewise denote the clerical tonsure, which was indeed the choice of Sidonius himself.

[103] The history of these Britons may be traced in Jornandes (c. [44 and] 45, p. 678), Sidonius (l. iii. epistol. 9 [ad Riothamum], p. 73, 74), and Gregory of Tours l. ii. c. 18, in tom. ii. p. 170). Sidonius (who styles these mercenary troops rgutos, armatos, tumultuosos, virtute, numero, contubernio contumaces) addresses their general in a tone of friendship and familiarity.

[104] See Sidonius, l. i. epist. 7, p. 15-20, with Sirmond's notes. This letter does honour to his heart, as well as to his understanding. The prose of Sidonius, however vitiated by a false and affected taste, is much superior to his insipid verses.

confidence rather than wisdom; and such was the various though uniform, imprudence of his behaviour that his prosperit must appear much more surprising than his downfall. Th second præfecture, which he obtained within the term of fiv years, abolished the merit and popularity of his precedin administration. His easy temper was corrupted by flatter and exasperated by opposition; he was forced to satisfy hi importunate creditors with the spoils of the province; hi capricious insolence offended the nobles of Gaul, and he sun under the weight of the public hatred. The mandate of hi disgrace summoned him to justify his conduct before the senate and he passed the sea of Tuscany with a favourable wind, th presage, as he vainly imagined, of his future fortunes. decent respect was still observed for the *Præfectorian* rank and, on his arrival at Rome, Arvandus was committed to th hospitality, rather than to the custody, of Flavius Asellus, th count of the sacred largesses, who resided in the Capitol.[105] H was eagerly pursued by his accusers, the four deputies of Gau who were all distinguished by their birth, their dignities, o their eloquence. In the name of a great province, and accord ing to the forms of Roman jurisprudence, they instituted a civ and criminal action, requiring such a restitution as might com pensate the losses of individuals, and such punishment as migh satisfy the justice of the state. Their charges of corrupt oppre sion were numerous and weighty; but they placed their secre dependence on a letter, which they had intercepted, and whic they could prove, by the evidence of his secretary, to have bee dictated by Arvandus himself. The author of this lett seemed to dissuade the king of the Goths from a peace wit the *Greek* emperor; he suggested the attack of the Britons o the Loire; and he recommended a division of Gaul, accordin to the law of nations, between the Visigoths and the Burgun dians.[106] These pernicious schemes, which a friend could onl palliate by the reproaches of vanity and indiscretion, wer susceptible of a treasonable interpretation; and the deputie had artfully resolved not to produce their most formidabl weapons till the decisive moment of the contest. But the

[105] When the Capitol ceased to be a temple, it was appropriated to the use the civil magistrate; and it is still the residence of the Roman senator. T jewellers, &c. might be allowed to expose their precious wares in the porticoes.

[106] Haec ad regem Gothorum charta videbatur emitti, pacem cum Græco Im peratore dissuadens, Britannos super Ligerim sitos impugnari oportere demonstran cum Burgundionibus jure gentium Gallias dividi debere confirmans.

ıtentions were discovered by the zeal of Sidonius. He im-
ıediately apprized the unsuspecting criminal of his danger;
ıd sincerely lamented, without any mixture of anger, the
aughty presumption of Arvandus, who rejected, and even
esented, the salutary advice of his friends. Ignorant of his
al situation, Arvandus shewed himself in the Capitol in the
hite robe of a candidate, accepted indiscriminate salutations
nd offers of service, examined the shops of the merchants, the
ilks and gems, sometimes with the indifference of a spectator,
nd sometimes with the attention of a purchaser; and com-
lained of the times, of the senate, of the prince, and of the
elays of justice. His complaints were soon removed. An
arly day was fixed for his trial; and Arvandus appeared, with
is accusers, before a numerous assembly of the Roman senate.
he mournful garb which they affected excited the compassion
f the judges, who were scandalized by the gay and splendid
ress of their adversary; and, when the præfect Arvandus, with
he first of the Gallic deputies, were directed to take their
laces on the senatorial benches, the same contrast of pride and
ıodesty was observed in their behaviour. In this memorable
ıdgment, which presented a lively image of the old republic,
he Gauls exposed, with force and freedom, the grievances of
he province; and, as soon as the minds of the audience were
ıfficiently inflamed, they recited the fatal epistle The ob-
inacy of Arvandus was founded on the strange supposition
ıat a subject could not be convicted of treason, unless he had
ctually conspired to assume the purple. As the paper was
ead, he repeatedly, and with a loud voice, acknowledged it
or his genuine composition; and his astonishment was equal
o his dismay, when the unanimous voice of the senate declared
im guilty of a capital offence. By their decree, he was de-
raded from the rank of a præfect to the obscure condition of
plebeian, and ignominiously dragged by servile hands to the
ublic prison. After a fortnight's adjournment, the senate was
gain convened to pronounce the sentence of his death; but,
hile he expected, in the island of Æsculapius, the expiration
f the thirty days allowed by an ancient law to the vilest male-
ctors,[107] his friends interposed, the emperor Anthemius relented,
ıd the præfect of Gaul obtained the milder punishment of
xile and confiscation. The faults of Arvandus might deserve

[107] *Senatusconsultum Tiberianum* (Sirmond, Not. p. 17), but that law allowed
ıly ten days between the sentence and execution: the remaining twenty were
ıded in the reign of Theodosius.

compassion; but the impunity of Seronatus accused the justi of the republic, till he was condemned, and executed, on t complaint of the people of Auvergne. That flagitious ministe the Catiline of his age and country, held a secret corresponden with the Visigoths, to betray the province which he oppresse his industry was continually exercised in the discovery of ne taxes and obsolete offences; and his extravagant vices wou have inspired contempt, if they had not excited fear and a horrence.[108]

Discord of Anthemius and Ricimer. A.D. 71

Such criminals were not beyond the reach of justice; b whatever might be the guilt of Ricimer, that powerful Barb rian was able to contend or to negotiate with the prince who alliance he had condescended to accept. The peaceful a prosperous reign which Anthemius had promised to the We was soon clouded by misfortune and discord. Ricimer, appr hensive, or impatient, of a superior, retired from Rome, and fix his residence at Milan, an advantageous situation either to i vite or to repel the warlike tribes that were seated between t Alps and the Danube.[109] Italy was gradually divided into t independent and hostile kingdoms; and the nobles of Ligur who trembled at the near approach of a civil war, fell prostra at the feet of the patrician, and conjured him to spare their u happy country. "For my own part," replied Ricimer in a to of insolent moderation, "I am still inclined to embrace t friendship of the Galatian;[110] but who will undertake to appea his anger, or to mitigate the pride which always rises in prop [Ticinum] tion to our submission?" They informed him that Epiphani bishop of Pavia,[111] united the wisdom of the serpent with t

[108] Catilina seculi nostri. Sidonius, l. ii. epist. 1, p. 33; l. v. epist. 13, p. 143 vii. epist. 7, p. 185. He execrates the crimes, and applauds the punishment, Seronatus, perhaps with the indignation of a virtuous citizen, perhaps with resentment of a personal enemy.

[109] Ricimer, under the reign of Anthemius, defeated and slew in battle Beorg king of the Alani (Jornandes, c. 45, p. 678). His sister had married the king the Burgundians, and he maintained an intimate connexion with the Suevic col established in Pannonia and Noricum.

[110] Galatam concitatum. Sirmond (in his notes to Ennodius) applies this ap cation to Anthemius himself. The emperor was probably born in the province Galatia, whose inhabitants, the Gallo-Grecians, were supposed to unite the vice a savage, and a corrupted, people.

[111] Epiphanius was thirty years bishop of Pavia (A.D. 467-497; see Tillem Mém. Ecclés. tom. xvi. p. 788). His name and actions would have been unkn to posterity if Ennodius, one of his successors, had not written his life (Sirm Opera, tom. i. p. 1647-1692 [cp. App. 1]), in which he presents him as one of greatest characters of the age.

nocence of the dove; and appeared confident that the elo-
uence of such an ambassador must prevail against the strongest
pposition either of interest or passion. Their recommendation
as approved; and Epiphanius, assuming the benevolent office
mediation, proceeded without delay to Rome, where he was
ceived with the honours due to his merit and reputation. The
ation of a bishop in favour of peace may be easily supposed:
e argued, that in all possible circumstances the forgiveness of
juries must be an act of mercy, or magnanimity, or prudence;
nd he seriously admonished the emperor to avoid a contest with
fierce Barbarian, which might be fatal to himself, and must be
inous to his dominions. Anthemius acknowledged the truth
his maxims; but he deeply felt, with grief and indignation, the
haviour of Ricimer, and his passion gave eloquence and energy
his discourse. "What favours," he warmly exclaimed, "have
e refused to this ungrateful man? What provocations have
e not endured? Regardless of the majesty of the purple, I
ve my daughter to a Goth; I sacrificed my own blood to the
fety of the republic. The liberality which ought to have
cured the eternal attachment of Ricimer has exasperated him
ainst his benefactor. What wars has he not excited against
e empire? How often has he instigated and assisted the fury
hostile nations? Shall I now accept his perfidious friendship?
n I hope that *he* will respect the engagements of a treaty, who
s already violated the duties of a son?" But the anger of
nthemius evaporated in these passionate exclamations; he in-
nsibly yielded to the proposals of Epiphanius; and the bishop
turned to his diocese with the satisfaction of restoring the
ace of Italy, by a reconciliation,[112] of which the sincerity and
ntinuance might be reasonably suspected. The clemency of
e emperor was extorted from his weakness; and Ricimer
spended his ambitious designs, till he had secretly prepared
e engines with which he resolved to subvert the throne of
nthemius. The mask of peace and moderation was then
rown aside. The army of Ricimer was fortified by a nume-
us reinforcement of Burgundians and Oriental Suevi; he
sclaimed all allegiance to the Greek emperor, marched from
ilan to the gates of Rome, and, fixing his camp on the banks
the Anio, impatiently expected the arrival of Olybrius, his
perial candidate.

[112] Ennodius (p. 1659-1664) has related this embassy of Epiphanius; and his
rative, verbose and turgid as it must appear, illustrates some curious passages
he fall of the Western empire. [P. 90-93, ed. Vogel.]

Olybrius emperor of the West. A.D. 472, March 23

The senator Olybrius, of the Anician family, might estee himself the lawful heir of the Western empire. He h married Placidia, the younger daughter of Valentinian, af she was restored by Genseric; who still detained her sis Eudoxia, as the wife, or rather as the captive, of his son. T king of the Vandals supported, by threats and solicitatio the fair pretensions of his Roman ally; and assigned, as one the motives of the war, the refusal of the senate and people acknowledge their lawful prince, and the unworthy preferen which they had given to a stranger.[113] The friendship of t public enemy might render Olybrius still more unpopular to t Italians; but, when Ricimer meditated the ruin of the empe Anthemius, he tempted with the offer of a diadem the candida who could justify his rebellion by an illustrious name and royal alliance. The husband of Placidia, who, like most of ancestors, had been invested with the consular dignity, mig have continued to enjoy a secure and splendid fortune in t peaceful residence of Constantinople; nor does he appear have been tormented by such a genius as cannot be amused occupied unless by the administration of an empire. Yet O brius yielded to the importunities of his friends, perhaps of wife; rashly plunged into the dangers and calamities of a ci war; and, with the secret connivance of the emperor Leo, cepted the Italian purple, which was bestowed and resumed the capricious will of a Barbarian. He landed without obsta (for Genseric was master of the sea) either at Ravenna or t port of Ostia, and immediately proceeded to the camp of Ri mer, where he was received as the sovereign of the Weste world.[114]

Sack of Rome, and death of Anthemius. A.D 472, July 11

The patrician, who had extended his posts from the Anio the Milvian bridge, already possessed two quarters of Rome, t Vatican and the Janiculum, which are separated by the Tib from the rest of the city;[115] and it may be conjectured that

[113] Priscus, Excerpt. Legation. p. 74 [fr. 29]. Procopius de Bell. Vandal. l. i 6, p. 191. Eudoxia and her daughter were restored after the death of Majori Perhaps the consulship of Olybrius (A.D. 464) was bestowed as a nuptial present

[114] The hostile appearance of Olybrius is fixed (notwithstanding the opinion Pagi) by the duration of his reign. The secret connivance of Leo is acknowled by Theophanes and the Paschal Chronicle. We are ignorant of his motives; in this obscure period our ignorance extends to the most public and import facts.

[115] Of the fourteen regions, or quarters, into which Rome was divided Augustus, only *one*, the Janiculum, lay on the Tuscan side of the Tiber. But the fifth century, the Vatican suburb formed a considerable city; and in the ec

ssembly of seceding senators imitated, in the choice of Olybrius, ne forms of a legal election. But the body of the senate and eople firmly adhered to the cause of Anthemius; and the more ffectual support of a Gothic army enabled him to prolong his eign, and the public distress, by a resistance of three months, hich produced the concomitant evils of famine and pestilence. t length Ricimer made a furious assault on the bridge of Iadrian, or St. Angelo; and the narrow pass was defended with qual valour by the Goths, till the death of Gilimer their leader. he victorious troops, breaking down every barrier, rushed with rresistible violence into the heart of the city, and Rome (if we nay use the language of a contemporary Pope) was subverted y the civil fury of Anthemius and Ricimer.[116] The unfortunate nthemius was dragged from his concealment and inhumanly nassacred by the command of his son-in-law; who thus added a hird, or perhaps a fourth, emperor to the number of his victims. he soldiers, who united the rage of factious citizens with the avage manners of Barbarians, were indulged, without control, n the licence of rapine and murder; the crowd of slaves and lebeians, who were unconcerned in the event, could only gain y the indiscriminate pillage; and the face of the city exhibited he strange contrast of stern cruelty and dissolute intemper-nce.[117] Forty days after this calamitous event, the subject ot of glory but of guilt, Italy was delivered, by a painful isease, from the tyrant Ricimer, who bequeathed the command f his army to his nephew Gundobald, one of the princes of the Burgundians. In the same year, all the principal actors in this reat revolution were removed from the stage; and the whole eign of Olybrius, whose death does not betray any symptoms f violence, is included within the term of seven months. He

Death of Ricimer, Aug. 20 [18]

[Gundobad]

and of Olybrius, Oct. 23

iastical distribution, which had been recently made by Simplicius, the reigning ope, *two* of the *seven* regions, or parishes, of Rome depended on the church of St. eter. See Nardini Roma Antica, p. 67. It would require a tedious dissertation o mark the circumstances, in which I am inclined to depart from the topography f that learned Roman.

[116] Nuper Anthemii et Ricimeris civili furore subversa est. Gelasius (in Epist. ad ndromach. apud Baron. A.D. 496, No. 42), Sigonius (tom. i. l. xiv. de Occidentali mperio, p. 542, 543), and Muratori (Ann. d'Italia, tom. iv. p. 308, 309), with he aid of a less imperfect Ms. of the Historia Miscella, have illustrated this lark and bloody transaction. [Bilimer (not Gilimer) was the name of the defender f the bridge. He is described (Hist. Misc., 15, 3) as *ruler of the Gauls;* but this oes not take us far. Gibbon has followed a guess of Sigonius.]

[117] Such had been the sæva ac deformis urbe totâ facies, when Rome was ssaulted and stormed by the troops of Vespasian (see Tacit. Hist. iii. 82, 83); and very cause of mischief had since acquired much additional energy. The revolution of ages may bring round the same calamities; but ages may revolve without roducing a Tacitus to describe them.

left one daughter, the offspring of his marriage with Placidi and the family of the great Theodosius, transplanted from Spa to Constantinople, was propagated in the female line as far the eighth generation.[118]

Julius Nepos and Glycerius, emperors of the West. A.D. 472-475

Whilst the vacant throne of Italy was abandoned to lawle Barbarians,[119] the election of a new colleague was serious agitated in the council of Leo. The empress of Verina, studio to promote the greatness of her own family, had married o of her nieces to Julius Nepos, who succeeded his uncle Ma cellinus in the sovereignty of Dalmatia, a more solid possessi than the title which he was persuaded to accept, of Emperor the West. But the measures of the Byzantine court were languid and irresolute that many months elapsed after t death of Anthemius, and even of Olybrius, before their destin successor could shew himself, with a respectable force, to H Italian subjects. During that interval, Glycerius, an obscu

[A.D. 473, March 5]

soldier, was invested with the purple by his patron Gundobal but the Burgundian prince was unable, or unwilling, to suppo his nomination by a civil war: the pursuits of domestic ambiti recalled him beyond the Alps,[120] and his client was permitt to exchange the Roman sceptre for the bishopric of Salon After extinguishing such a competitor, the emperor Nepos w acknowledged by the senate, by the Italians, and by the pr vincials of Gaul; his moral virtues and military talents we loudly celebrated; and those who derived any private bene from his government announced, in prophetic strains, the r storation of the public felicity.[121] Their hopes (if such hop had been entertained) were confounded within the term of single year; and the treaty of peace, which ceded Auvergne

[118] See Ducange, Familiae Byzantinae, p. 74, 75. Areobindus, who appears have married the niece of the emperor Justinian, was the eighth descendant of t elder Theodosius. [John of Antioch, fr. 209, states that Olybrius died at Ro of dropsy.]

[119] The last revolutions of the Western empire are faintly marked in Theophar (p. 102), Jornandes (c. 45, p. 679), the Chronicle of Marcellinus, and the fragme of an anonymous writer, published by Valesius at the end of Ammianus (p. 7 717). If Photius had not been so wretchedly concise, we should derive much inform tion from the contemporary histories of Malchus and Candidus. See his Extrac p. 172-179.

[120] See Greg. Turon. l. ii. c. 28, in tom. ii. p. 175. Dubos, Hist. Critique, to ii. p. 613. By the murder, or death, of his two brothers, Gundobald acquired t sole possession of the kingdom of Burgundy, whose ruin was hastened by th discord.

[121] Julius Nepos armis pariter summus Augustus ac moribus. Sidonius, l. ep. 16, p. 146. Nepos had given to Ecdicius the title of Patrician, which Anthemi had promised, decessoris Anthemii fidem absolvit [*ib.*]. See l. viii. ep. 7, p. 2 [A letter to his friend Audax, who was made præfect of Rome. Cp. Orelli, 115 Salvo d.n. Iulio Nepote p(io) f(elice) Aug. Audax v. c. præfectus urbi fecit.]

ıe Visigoths, is the only event of his short and inglorious ıign. The most faithful subjects of Gaul were sacrificed by the alian emperor to the hope of domestic security;[122] but his epose was soon invaded by a furious sedition of the Barbarian onfederates, who, under the command of Orestes, their general, ere in full march from Rome to Ravenna. Nepos trembled at ıeir approach; and, instead of placing a just confidence in the rength of Ravenna, he hastily escaped to his ships, and retired o his Dalmatian principality, on the opposite coast of the ladriatic. By this shameful abdication, he protracted his life bout five years, in a very ambiguous state, between an emperor ıd an exile, till he was assassinated at Salona by the ungrate-ıl Glycerius, who was translated, perhaps as the reward of his rime, to the archbishopric of Milan.[123]

The nations who had asserted their independence after the eath of Attila were established, by the right of possession or onquest, in the boundless countries to the north of the Danube, r in the Roman provinces between the river and the Alps. 3ut the bravest of their youth enlisted in the army of *confeder-tes*, who formed the defence and the terror of Italy;[124] and in his promiscuous multitude, the names of the Heruli, the Scyri, the Alani, the Turcilingi, and the Rugians, appear to have predomin-ted. The example of these warriors was imitated by Orestes,[125] he son of Tatullus, and the father of the last Roman emperor f the West. Orestes, who has been already mentioned in this istory, had never deserted his country. His birth and fortunes endered him one of the most illustrious subjects of Pannonia. Vhen that province was ceded to the Huns, he entered into the ervice of Attila, his lawful sovereign, obtained the office of his ecretary, and was repeatedly sent ambassador to Constantinople, o represent the person, and signify the commands of the imperi-

The patrician Orestes. A.D. 475

122 Epiphanius was sent ambassador from Nepos to the Visigoths for the purpose of ascertaining the *fines Imperii Italici* (Ennodius in Sirmond, tom. i. p. 1665-669). His pathetic discourse concealed the disgraceful secret, which soon excited ıe just and bitter complaints of the bishop of Clermont. [On the negotiations etween king Euric and Nepos, cp. Hodgkin, Italy and her Invaders, ii. 491.]

123 Malchus, apud Phot. p. 172. [Müller, F.H.G., iv. p. 111. Cp. John of ntioch, fr. 209, *ib.*, 618.] Ennod. Epigram. l. lxxxii. in Sirmond, Oper. tom. i. . 1879. [Cc., p. 164, ed. Vogel.] Some doubt may however be raised on the lentity of the emperor and the archbishop.

124 Our knowledge of these mercenaries, who subverted the Western empire, is erived from Procopius (de Bell. Gothico, l. i. c. i. p. 308). The popular opinion nd the recent historians represent Odoacer in the false light of a *stranger* and a *ing*, who invaded Italy with an army of foreigners, his native subjects.

125 Orestes, qui eo tempore quando Attila ad Italiam venit se illi junxit, et ejus otarius factus fuerat. Anonym. Vales. p. 716 [8, § 38]. He is mistaken in the ate; but we may credit his assertion that the secretary of Attila was the father f Augustulus.

ous monarch. The death of that conqueror restored him to h
freedom; and Orestes might honourably refuse either to follo
the sons of Attila into the Scythian desert or to obey the Ostr
goths, who had usurped the dominion of Pannonia. He preferr
the service of the Italian princes, the successors of Valentinia
and, as he possessed the qualifications of courage, industry, a
experience, he advanced with rapid steps in the military pr
fession, till he was elevated, by the favour of Nepos himself,
the dignities of patrician and master-general of the troop
These troops had been long accustomed to reverence th
character and authority of Orestes, who affected their manne
conversed with them in their own language, and was intimate
connected with their national chieftains, by long habits
familiarity and friendship. At his solicitation they rose in arm
against the obscure Greek, who presumed to claim their ob
dience; and, when Orestes, from some secret motive, declined th
purple, they consented, with the same facility, to acknowled
his son Augustulus as the emperor of the West. By the abd
cation of Nepos, Orestes had now attained the summit of h
ambitious hopes; but he soon discovered, before the end of th
first year, that the lessons of perjury and ingratitude, which
rebel must inculcate, will be retorted against himself; and th
the precarious sovereign of Italy was only permitted to choo
whether he would be the slave or the victim of his Barbaria
mercenaries. The dangerous alliance of these strangers ha
oppressed and insulted the last remains of Roman freedom an
dignity. At each revolution, their pay and privileges we
augmented; but their insolence increased in a still mo
extravagant degree; they envied the fortune of their brethre
in Gaul, Spain, and Africa, whose victorious arms had acquire
an independent and perpetual inheritance; and they insisted
their peremptory demand that a *third* part of the lands of Ita
should be immediately divided among them. Orestes, with
spirit which, in another situation, might be entitled to o
esteem, chose rather to encounter the rage of an armed mul
tude than to subscribe the ruin of an innocent people. H
rejected the audacious demand; and his refusal was favourab
to the ambition of Odoacer; a bold Barbarian, who assured h
fellow soldiers that, if they dared to associate under his co
mand, they might soon extort the justice which had been deni
to their dutiful petitions. From all the camps and garrisons
Italy, the confederates, actuated by the same resentment and th
same hopes, impatiently flocked to the standard of this popul
leader; and the unfortunate patrician, overwhelmed by th

His son Augustulus, the last emperor of the West. A.D. 476

orrent, hastily retreated to the strong city of Pavia, the episcopal eat of the holy Epiphanius.[a] Pavia was immediately besieged, he fortifications were stormed, the town was pillaged; and, lthough the bishop might labour, with much zeal and some uccess, to save the property of the church and the chastity of emale captives, the tumult could only be appeased by the xecution of Orestes.[126] His brother Paul was slain in an action ear Ravenna; and the helpless Augustulus, who could no onger command the respect, was reduced to implore the lemency, of Odoacer.

That successful Barbarian was the son of Edecon: who, in ome remarkable transactions, particularly described in a pre- eding chapter, had been the colleague of Orestes himself. The onour of an ambassador should be exempt from suspicion; and Edecon had listened to a conspiracy against the life of his overeign. But this apparent guilt was expiated by his merit r repentance; his rank was eminent and conspicuous; he en- oyed the favour of Attila; and the troops under his command, vho guarded in their turn the royal village, consisted in a tribe f Scyrri, his immediate and hereditary subjects. In the revolt f the nations, they still adhered to the Huns; and, more than welve years afterwards, the name of Edecon is honourably nentioned, in their unequal contest with the Ostrogoths; which vas terminated, after two bloody battles, by the defeat and dis- ersion of the Scyrri.[127] Their gallant leader, who did not urvive this national calamity, left two sons, Onulf and Odoacer, o struggle with adversity, and to maintain as they might, by apine or service, the faithful followers of their exile. Onulf irected his steps towards Constantinople, where he sullied, by he assassination of a generous benefactor, the fame which he ad acquired in arms. His brother Odoacer led a wandering ife among the Barbarians of Noricum, with a mind and a ortune suited to the most desperate adventures; and, when he ad fixed his choice, he piously visited the cell of Severinus, the

Odoacer king of Italy. A.D. 476-490

[a] [The quarto has the misprint *Epiphanites*, which has remained uncorrected in ubsequent editions.]

[126] See Ennodius (in Vit. Epiphan. Sirmond, tom. i. p. 1669, 1670). He adds eight to the narrative of Procopius, though we may doubt whether the devil actually ontrived the siege of Pavia to distress the bishop and his flock [p. 96, ed. Vogel].

[127] Jornandes, c. 53, 54, p. 692-695. M. de Buat (Hist. des Peuples de Europe, tom. viii. p. 221-228) has clearly explained the origin and adventures of Odoacer. I am almost inclined to believe that he was the same who pillaged ngers and commanded a fleet of Saxon pirates on the ocean. Greg. Turon. ii. c. 18, in tom. ii. p. 170. [The genuine form of Odoacer's name is *Odovacar*, s it appears in the contemporary writer Ennodius.]

popular saint of the country, to solicit his approbation and blessing. The lowness of the door would not admit the lofty stature of Odoacer: he was obliged to stoop: but in that humble attitude the saint could discern the symptoms of his future greatness; and, addressing him in a prophetic tone, "Pursue" (said he) "your design; proceed to Italy; you will soon cast away this coarse garment of skins; and your wealth will be adequate to the liberality of your mind".[128] The Barbarian, whose daring spirit accepted and ratified the prediction, was admitted into the service of the Western empire, and soon obtained an honourable rank in the guards. His manners were gradually polished, his military skill was improved, and the confederates of Italy would not have elected him for their general, unless the exploits of Odoacer had established a high opinion of his courage and capacity.[129] Their military acclamations saluted him with the title of King; but he abstained, during his whole reign, from the use of the purple and diadem,[130] lest he should offend those princes whose subjects, by their accidental mixture, had formed the victorious army which time and policy might insensibly unite into a great nation.

Extinction of the Western empire. A.D. 476, or A.D. 479

Royalty was familiar to the Barbarians, and the submissive people of Italy was prepared to obey, without a murmur, the authority which he should condescend to exercise as the vicegerent of the emperor of the West. But Odoacer had resolved to abolish that useless and expensive office; and such is the weight of antique prejudice that it required some boldness and penetration to discover the extreme facility of the enterprise. The unfortunate Augustulus was made the instrument of his own disgrace; he signified his resignation to the senate; and that assembly, in their last act of obedience to a Roman prince, still affected the spirit of freedom and the forms of the constitution. An epistle was addressed, by their unanimous decree, t

[128] Vade ad Italiam, vade vilissimis nunc pellibus coopertus; sed multis cit plurima largiturus. Anonym. Vales. p. 717 [10, § 46]. He quotes the life of S Severinus, which is extant, and contains much unknown and valuable history; was composed by his disciple Eugippius (A.D. 511) thirty years after his death See Tillemont, Mém. Ecclés. tom. xvi. p. 168-181. [See App. 1.]

[129] Theophanes, who calls him a Goth, affirms that he was educated, nurse (τραφέντος), in Italy (p. 102); and, as this strong expression will not bear a liter interpretation, it must be explained by long service in the Imperial guards.

[130] Nomen regis Odoacer assumpsit, cum tamen neque purpurâ nec regalibu uteretur insignibus. Cassiodor. in Chron. A.D. 476. He seems to have assume the abstract title of a king, without applying it to any particular nation or countr [One silver coin (a half siliqua) is extant, which was probably issued by Odovaca The legend (obv.) is Fl. Od(ov)ac, and the reverse shows the monogram of Odov Cp. Hodgkin, Italy and her Invaders, iii. 722. It is to be noted that Odovacar wa not "King of Italy," as he is inaccurately styled below on p. 54. The day territorial royalty had not yet come.]

the emperor Zeno, the son-in-law and successor of Leo; who had lately been restored, after a short rebellion, to the Byzantine throne. They solemnly "disclaim the necessity, or even the wish, of continuing any longer the Imperial succession in Italy; since, in their opinion, the majesty of a sole monarch is sufficient to pervade and protect, at the same time, both the East and the West. In their own name, and in the name of the people, they consent that the seat of universal empire shall be transferred from Rome to Constantinople; and they basely renounce the right of choosing their master, the only vestige that yet remained of the authority which had given laws to the world. The republic (they repeat that name without a blush) might safely confide in the civil and military virtues of Odoacer; and they humbly request that the emperor would invest him with the title of Patrician and the administration of the *diocese* of Italy." The deputies of the senate were received at Constantinople with some marks of displeasure and indignation; and, when they were admitted to the audience of Zeno, he sternly reproached them with their treatment of the two emperors, Anthemius and Nepos, whom the East had successively granted to the prayers of Italy. "The first" (continued he) "you have murdered; the second you have expelled; but the second is still alive, and whilst he lives he is your lawful sovereign." But the prudent Zeno soon deserted the hopeless cause of his abdicated colleague. His vanity was gratified by the title of sole emperor and by the statues erected to his honour in the several quarters of Rome; he entertained a friendly, though ambiguous, correspondence with the *patrician* Odoacer; and he gratefully accepted the Imperial ensigns, the sacred ornaments of the throne and palace, which the Barbarian was not unwilling to remove from the sight of the people.[131]

Augustulus is banished to the Lucullan villa.

In the space of twenty years since the death of Valentinian, nine emperors had successively disappeared; and the son of Orestes, a youth recommended only by his beauty, would be the least entitled to the notice of posterity, if his reign, which was marked by the extinction of the Roman empire in the West, did not leave a memorable æra in the history of mankind.[132]

[131] Malchus, whose loss excites our regret, has preserved (in Excerpt. Legat. p. 63 [fr. 10]) this extraordinary embassy from the senate to Zeno. The anonymous fragment (p. 717) and the extract from Candidus (apud Phot. p. 176 [F.H.G., iv. p. 136]) are likewise of some use.

[132] The precise year in which the Western empire was extinguished is not positively ascertained. The vulgar æra of A.D. 476 *appears* to have the sanction of

The patrician Orestes had married the daughter of Count *Romulus*, of Petovio, in Noricum; the name of *Augustus*, notwithstanding the jealousy of power, was known at Aquileia as a familiar surname; and the appellations of the two great founders of the city and of the monarchy, were thus strangely united in the last of their successors.[133] The son of Orestes assumed and disgraced the names of Romulus Augustus; but the first was corrupted into Momyllus, by the Greeks, and the second has been changed by the Latins into the contemptible diminutive Augustulus. The life of this inoffensive youth was spared by the generous clemency of Odoacer; who dismissed him, with his whole family, from the Imperial palace, fixed his annual allowance at six thousand pieces of gold, and assigned the castle [£3600] of Lucullus, in Campania, for the place of his exile or retirement.[134] As soon as the Romans breathed from the toils of the Punic war, they were attracted by the beauties and the pleasures of Campania; and the country house of the elder Scipio at Liternum exhibited a lasting model of their rustic simplicity.[135] The delicious shores of the bay of Naples were crowded with villas; and Sylla applauded the masterly skill of his rival, who had seated himself on the lofty promontory of Misenum, that commands, on every side, the sea and land, as far as the boundaries of the horizon.[136] The villa of Marius was purchased

authentic chronicles. But the two dates assigned by Jornandes (c. 46, p. 680) would delay that great event to the year 479; and, though M. de Buat has overlooked *his* evidence, he produces (tom. viii. p. 261-288) many collateral circumstances in support of the same opinion. [There is no doubt about the date, A.D. 476.]

[133] See his medals in Ducange (Fam. Byzantin. p. 81), [see Eckhel, Doct. Num., 8, p. 203], Priscus (Excerpt. Legat. p. 56 [F.H.G., 4, p. 84]), Maffei (Osservazioni Letterarie, tom. ii. p. 314). We may allege a famous and similar case. The meanest subjects of the Roman empire assumed the *illustrious* name of *Patricius*, which, by the conversion of Ireland, has been communicated to a whole nation.

[134] Ingrediens autem Ravennam deposuit Augustulum de regno, cujus infantiam misertus concessit ei sanguine m; et quia pulcher erat, tamen donavit ei reditum sex millia solidos, et misit eum intra Campaniam cum parentibus suis libere vivere. Anonym. Vales. p. 716 [8, § 38]. Jornandes says (c. 46, p. 680) in Lucullanæ Campaniæ castello exilii pœna damnavit.

[135] See the eloquent Declamation of Seneca (epist. lxxxvi.). The philosopher might have recollected that all luxury is relative; and that the elder Scipio, whose manners were polished by study and conversation, was himself accused of that vice by his ruder contemporaries (Livy, xxix. 19).

[136] Sylla, in the language of a soldier, praised his *peritia castrametandi* (Plin. Hist. Natur. xviii. 7). Phædrus, who makes its shady walks (*laeta viridia*) the scene of an insipid fable (ii. 5), has thus described the situation:—

> Cæsar Tiberius quum petens Neapolim
> In Misenensem villam venisset suam
> Quæ monte summo posita Luculli manu
> Prospectat Siculum et prospicit [*leg.* despicit] Tuscum mare.

within a few years, by Lucullus, and the price had increased from two thousand five hundred to more than fourscore thousand pounds sterling.[137] It was adorned by the new proprietor with Grecian arts, and Asiatic treasures; and the houses and gardens of Lucullus obtained a distinguished rank in the list of Imperial palaces.[138] When the Vandals became formidable to the sea-coast, the Lucullan villa, on the promontory of Misenum, gradually assumed the strength and appellation of a strong castle, the obscure retreat of the last emperor of the West. About twenty years after that great revolution it was converted into a church and monastery, to receive the bones of St. Severinus. They securely reposed, amidst the broken trophies of Cimbric and Armenian victories, till the beginning of the tenth century; when the fortifications, which might afford a dangerous shelter to the Saracens, were demolished by the people of Naples.[139]

Decay of the Roman spirit

Odoacer was the first Barbarian who reigned in Italy, over a people who had once asserted their just superiority above the rest of mankind. The disgrace of the Romans still excites our respectful compassion, and we fondly sympathize with the imaginary grief and indignation of their degenerate posterity. But the calamities of Italy had gradually subdued the proud consciousness of freedom and glory. In the age of Roman virtue, the provinces were subject to the arms, and the citizens to the laws, of the republic; till those laws were subverted by civil discord, and both the city and the provinces became the servile property of a tyrant. The forms of the constitution, which alleviated or disguised their abject slavery, were abolished by time and violence; the Italians alternately lamented the presence or the absence of the sovereigns, whom they detested or despised; and the succession of five centuries inflicted the various evils of military licence, capricious despotism, and

[137] From seven myriads and a half to two hundred and fifty myriads of drachmæ. Yet even in the possession of Marius, it was a luxurious retirement. The Romans derided his indolence: they soon bewailed his activity. See Plutarch, in Mario, tom. ii. p. 524 [c. 34].

[138] Lucullus had other villas of equal, though various, magnificence, at Baiæ, Naples, Tusculum, &c. He boasted that he changed his climate with the storks and cranes. Plutarch, in Lucull. tom. iii. p. 193 [39].

[139] Severinus died in Noricum, A.D. 482. Six years afterwards, his body, which scattered miracles as it passed, was transported by his disciples into Italy. The devotion of a Neapolitan lady invited the saint to the Lucullan villa, in the place of Augustulus, who was probably no more. See Baronius (Annal. Eccles. A.D. 496, No. 50, 51) and Tillemont (Mém. Ecclés. tom. xvi. p. 178-181) from the original life by Eugippius. The narrative of the last migration of Severinus to Naples is likewise an authentic piece. [It has been conjectured by Mr. Hodgkin (Italy and her Invaders, iii. [2], p. 172) that the Neapolitan lady (Barbaria) was the mother of Augustulus.]

elaborate oppression. During the same period, the Barbarians had emerged from obscurity and contempt, and the warriors of Germany and Scythia were introduced into the provinces, as the servants, the allies, and at length the masters, of the Romans whom they insulted or protected. The hatred of the people was suppressed by fear; they respected the spirit and splendour of the martial chiefs who were invested with the honours of the empire; and the fate of Rome had long depended on the sword of those formidable strangers. The stern Ricimer, who trampled on the ruins of Italy, had exercised the power, without assuming the title, of a king; and the patient Romans were insensibly prepared to acknowledge the royalty of Odoacer and his Barbaric successors.

Character and reign of Odoacer. A.D. 476-490

The King of Italy was not unworthy of the high station to which his valour and fortune had exalted him; his savage manners were polished by the habits of conversation; and he respected, though a conqueror and a Barbarian, the institutions and even the prejudices, of his subjects. After an interval of seven years, Odoacer restored the consulship of the West. For himself, he modestly, or proudly, declined an honour which was still accepted by the emperors of the East; but the curule chair was successively filled by eleven of the most illustrious senators;[140] and the list is adorned by the respectable name of Basilius, whose virtues claimed the friendship and grateful applause of Sidonius, his client.[141] The laws of the emperors were strictly enforced, and the civil administration of Italy was still exercised by the Prætorian præfect and his subordinate officers. Odoacer devolved on the Roman magistrates the odious and oppressive task of collecting the public revenue; but he reserved for himself the merit of seasonable and popular indulgence.[142] Like the rest of the Barbarians, he had been instructed in the Arian heresy; but he revered the monastic and episcopal characters; and the silence of the Catholics attests the toleration which they enjoyed. The peace of the

[140] The consular Fasti may be found in Pagi or Muratori. The consuls named by Odoacer, or perhaps by the Roman senate, appear to have been acknowledged in the Eastern empire.

[141] Sidonius Apollinaris (l. i. epist. 9, p. 22, edit. Sirmond) has compared the two leading senators of his time (A.D. 468), Gennadius Avienus and Cæcina Basilius. To the former he assigns the specious, to the latter the solid, virtues of public and private life. A Basilius junior, possibly his son, was consul in the year 480.

[142] Epiphanius interceded for the people of Pavia; and the king first granted a indulgence of five years, and afterwards relieved them from the oppression of Pelagius, the Prætorian præfect (Ennodius, in Vit. St. Epiphan. in Sirmond. Opera tom. i. p. 1670, 1672 [p. 97, ed. Vogel]).

city required the interposition of his præfect Basilius in the choice of a Roman pontiff; the decree which restrained the clergy from alienating the lands was ultimately designed for the benefit of the people, whose devotion would have been taxed to repair the dilapidations of the church.[143] Italy was protected by the arms of its conqueror; and its frontiers were respected by the Barbarians of Gaul and Germany, who had so long insulted the feeble race of Theodosius. Odoacer passed the Hadriatic, to chastise the assassins of the emperor Nepos, and to acquire the maritime province of Dalmatia. He [A.D. 481] passed the Alps, to rescue the remains of Noricum from Fava, or Feletheus, king of the Rugians, who held his residence beyond [A.D. 487] the Danube. The king was vanquished in battle, and led away prisoner; a numerous colony of captives and subjects was transplanted into Italy; and Rome, after a long period of defeat and disgrace, might claim the triumph of her Barbarian master.[144]

Notwithstanding the prudence and success of Odoacer, his kingdom exhibited the sad prospect of misery and desolation. Since the age of Tiberius, the decay of agriculture had been felt in Italy; and it was a subject of complaint that the life of the Roman people depended on the accidents of the winds and waves.[145] In the division and the decline of the empire, the tributary harvests of Egypt and Africa were withdrawn; the numbers of the inhabitants continually diminished with the means of subsistence; and the country was exhausted by the irretrievable losses of war, famine,[146] and pestilence. St. Ambrose has deplored the ruin of a populous district, which had been once adorned with the flourishing cities of Bologna, Modena, Regium, and Placentia.[147] Pope Gelasius was a subject

Miserable state of Italy

[143] See Baronius, Annal. Eccles. A.D. 483, No. 10-15. Sixteen years afterwards, the irregular proceedings of Basilius were condemned by pope Symmachus in a Roman synod.

[144] The wars of Odoacer are concisely mentioned by Paul the Deacon (de Gest. Langobard. l. i. c. 19, p. 757, edit. Grot.) and in the two Chronicles of Cassiodorius and Cuspinian [for which see App. 1]. The life of St. Severinus, by Eugippius, which the Count de Buat (Hist. des Peuples, &c. tom. viii. c. 1, 4, 8, 9) has diligently studied, illustrates the ruin of Noricum and the Bavarian antiquities.

[145] Tacit. Annal. iii. 53. The Recherches sur l'Administration des Terres chez les Romains (p. 351-361) clearly state the progress of internal decay.

[146] A famine which afflicted Italy at the time of the irruption of Odoacer, king of the Heruli, is eloquently described in prose and verse by a French poet (Les Mois, tom. ii. p. 174, 206, edit. in 12mo). I am ignorant from whence he derives his information; but I am well assured that he relates some facts incompatible with the truth of history.

[147] See the xxxixth epistle of St. Ambrose, as it is quoted by Muratori, sopra le Antichità Italiane, tom. i. Dissert. xxi. p. 354.

of Odoacer, and he affirms, with strong exaggeration, that in Æmilia, Tuscany, and the adjacent provinces, the human species was almost extirpated.[148] The plebeians of Rome, who were fed by the hand of their master, perished or disappeared, as soon as his liberality was suppressed; the decline of the arts reduced the industrious mechanic to idleness and want; and the senators, who might support with patience the ruin of their country, bewailed their private loss of wealth and luxury. One third of those ample estates, to which the ruin of Italy is originally imputed,[149] was extorted for the use of the conquerors. Injuries were aggravated by insults; the sense of actual sufferings was embittered by the fear of more dreadful evils; and, as new lands were allotted to new swarms of Barbarians, each senator was apprehensive lest the arbitrary surveyors should approach his favourite villa or his most profitable farm. The least unfortunate were those who submitted without a murmur to the power which it was impossible to resist. Since they desired to live, they owed some gratitude to the tyrant who had spared their lives; and, since he was the absolute master of their fortunes, the portion which he left must be accepted as his pure and voluntary gift.[150] The distress of Italy was mitigated by the prudence and humanity of Odoacer, who had bound himself, as the price of his elevation, to satisfy the demands of a licentious and turbulent multitude. The kings of the Barbarians were frequently resisted, deposed, or murdered, by their *native* subjects; and the various bands of Italian mercenaries who associated under the standard of an elective general claimed a larger privilege of freedom and rapine. A monarchy destitute of national union, and hereditary right, hastened to its dissolution. After a reign of fourteen years, Odoacer was oppressed by the superior genius of Theodoric, king of the Ostrogoths, a hero alike excellent in the arts of war and of government, who restored an age of peace and prosperity, and whose name still excites and deserves the attention of mankind.

[148] Æmilia, Tuscia, ceteræque provinciæ in quibus hominum prope nullus exsisti Gelasius, Epist. ad Andromachum, ap. Baronium, Annal. Eccles. A.D. 49 No. 36.

[149] Verumque confitentibus, latifundia perdidere Italiam. Plin. Hist. Natu xviii. 7. [For a document recording a grant of estates by Odovacar, see Appendix 2

[150] Such are the topics of consolation, or rather of patience, which Cicero (a Familiares, l. ix. epist. 17) suggests to his friend Papirius Pætus, under th military despotism of Cæsar. The argument, however, of "vivere pulcherrimu duxi," is more forcibly addressed to a Roman philosopher, who possessed the fre alternative of life or death.

CHAPTER XXXVII

Origin, Progress, and Effects of the Monastic Life—Conversion of the Barbarians to Christianity and Arianism—Prosecution of the Vandals in Africa—Extinction of Arianism among the Barbarians

THE indissoluble connexion of civil and ecclesiastical affairs has compelled and encouraged me to relate the progress, the persecutions, the establishment, the divisions, the final triumph, and the gradual corruption of Christianity. I have purposely delayed the consideration of two religious events, interesting in the study of human nature, and important in the decline and fall of the Roman empire: I. The institution of the monastic life;[1] and, II. The conversion of the northern Barbarians.

I. THE MONASTIC LIFE. Origin of the monks

I. Prosperity and peace introduced the distinction of the *vulgar* and the *Ascetic Christians*.[2] The loose and imperfect practice of religion satisfied the conscience of the multitude. The prince or magistrate, the soldier or merchant, reconciled their fervent zeal, and implicit faith, with the exercise of their profession, the pursuit of their interest, and the indulgence of their passions; but the Ascetics, who obeyed and abused the rigid precepts of the gospel, were inspired by the savage enthusiasm which represents man as a criminal and God as a tyrant. They seriously renounced the business, and the pleasures, of the age; abjured the use of wine, of flesh, and of marriage; chastised their body, mortified their affections, and embraced a life of misery, as the price of eternal happiness. In the reign of Con-

[1] The origin of the monastic institution has been laboriously discussed by Thomassin (Discipline de l'Eglise, tom. i. p. 1419-1426) and Helyot (Hist. des Ordres Monastiques, tom. i. p. 1-66). These authors are very learned and tolerably honest, and their difference of opinion shews the subject in its full extent. Yet the cautious Protestant, who distrusts *any* popish guides, may consult the seventh book of Bingham's Christian Antiquities. [For sources as to the origin of Monasticism, and for modern works, see Appendix 3.]

[2] See Euseb. Demonstrat. Evangel. (l. i. p. 20, 21, edit. Græc. Rob. Stephani, Paris, 1545). In his Ecclesiastical History, published twelve years after the Demonstration, Eusebius (l. ii. c. 17) asserts the Christianity of the Therapeutæ; but he appears ignorant that a similar institution was actually revived in Egypt. [Cp. Bingham, vol. ii. p. 60, n. 163.]

stantine, the Ascetics fled from a profane and degenerate wor to perpetual solitude, or religious society. Like the first Chr tians of Jerusalem,[3] they resigned the use, or the property, their temporal possessions; established regular communities the same sex, and a similar disposition; and assumed the nam of *Hermits, Monks,* and *Anachorets,* expressive of their lonely treat in a natural or artificial desert. They soon acquired t respect of the world, which they despised; and the loud applause was bestowed on this DIVINE PHILOSOPHY,[4] which s passed, without the aid of science or reason, the laborious virtu of the Grecian schools. The monks might indeed contend wi the Stoics in the contempt of fortune, of pain, and of deat the Pythagorean silence and submission were revived in th servile discipline; and they disdained, as firmly as the Cyn themselves, all the forms and decencies of civil society. But t votaries of this Divine Philosophy aspired to imitate a purer a more perfect model. They trod in the footsteps of the prophe who had retired to the desert;[5] and they restored the devo and contemplative life, which had been instituted by the E senians, in Palestine and Egypt. The philosophic eye of Pli had surveyed with astonishment a solitary people, who dw among the palm-trees near the Dead Sea; who subsisted wit out money, who were propagated without women; and w derived from the disgust and repentance of mankind a perpet supply of voluntary associates.[6]

[3] Cassian (Collat. xviij. 5 [Migne, vol. xlix. p. 1095]) claims this origin for institution of the *Cœnobites* which gradually decayed till it was restored by Ant and his disciples.

[4] Ὠφελιμώτατον γάρ τι χρῆμα εἰς ἀνθρώπους ἐλθοῦσα Θεοῦ ἡ τοιαύτη φιλοσοφία. Th are the expressive words of Sozomen, who copiously and agreeably describes c. 12, 13, 14) the origin and progress of this monkish philosophy (see Sui Thesaur. Eccles. tom. ii. p. 1441). Some modern writers, Lipsius (tom. iv. 448, Manuduct. ad Philosoph. Stoic. iii. 13) and la Mothe le Vayer (tom. ix. d Vertu des Payens, p. 228-262), have compared the Carmelites to the Pythagorea and the Cynics to the Capucins.

[5] The Carmelites derive their pedigree, in regular succession, from the prop Elijah (see the Theses of Beziers, A.D. 1682, in Bayle's Nouvelles de la Républi des Lettres, Oeuvres, tom. i. p. 82, &c. and the prolix irony of the Ordres Mon tiques, an anonymous work, tom. i. p. 1-433. Berlin, 1751). Rome and inquisition of Spain silenced the profane criticism of the Jesuits of Flan (Helyot, Hist. des Ordres Monastiques, tom. i. p. 282-300), and the statue Elijah, the Carmelite, has been erected in the church of St. Peter (Voyages d Labat, tom. iii. p. 87).

[6] Plin. Hist. Natur. v. 15. Gens sola, et in toto orbe præter ceteras mira, ullâ feminâ, omni venere abdicatâ, sine pecuniâ, socia palmarum. Ita per s lorum millia (incredibile dictu) gens æterna est in quâ nemo nascitur. T fœcunda illis aliorum vitæ pœnitentia est. He places them just beyond

Egypt, the fruitful parent of superstition, afforded the first ample of the monastic life. Antony,[7] an illiterate[8] youth of e lower parts of Thebais, distributed his patrimony,[9] deserted s family and native home, and executed his monastic penance th original and intrepid fanaticism. After a long and painful vitiate among the tombs and in a ruined tower, he boldly adnced into the desert three days' journey to the eastward of the ile; discovered a lonely spot, which possessed the advantages shade and water; and fixed his last residence on Mount Colzim ar the Red Sea, where an ancient monastery still preserves e name and memory of the saint.[10] The curious devotion of e Christians pursued him to the desert; and, when he was liged to appear at Alexandria, in the face of mankind, he supted his fame with discretion and dignity. He enjoyed the iendship of Athanasius, whose doctrine he approved; and the gyptian peasant respectfully declined a respectful invitation from e emperor Constantine. The venerable patriarch (for Antony tained the age of one hundred and five years) beheld the A.D. 251-356 merous progeny which had been formed by his example and his ssons. The prolific colonies of monks multiplied with rapid inease on the sands of Libya, upon the rocks of Thebais, and in the ties of the Nile. To the south of Alexandria, the mountain, and djacent desert, of Nitria were peopled by 5000 anachorets; and e traveller may still investigate the ruins of fifty monasteries,

Antony and the monks of Egypt. A.D. 305

xious influence of the lake, and names Engaddi and Masada as the nearest vns. The Laura and monastery of St. Sabas could not be far distant from this ace. See Reland. Palestin. tom. i. p. 295, tom. ii. p. 763, 874, 880, 890.

[7] See Athanas. Op. tom. ii. p. 450-505 [cp. Migne, Patr. Gr., vol. xxvi. p. 835 .] and the Vit. Patrum [ed. 1628], p. 26-74, with Rosweyde's Annotations. e former is the Greek original; the latter a very ancient Latin version by Evaus, the friend of St. Jerom.

[8] Γράμματα μὲν μαθεῖν οὐκ ἠνέσχετο, Athanas. tom. ii. in Vit. St. Anton. p. 452; d the assertion of his total ignorance has been received by many of the ancients d moderns. But Tillemont (Mém. Ecclés. tom. vii. p. 666) shows, by some obable arguments, that Antony could read and write in the Coptic, his native gue, and that he was only a stranger to the *Greek letters*. The philosopher nesius (p. 51) acknowledges that the natural genius of Antony did not require the of learning.

[9] *Aruræ* autem erant ei trecentæ uberes, et valde optimæ (Vit. Patr. l. i. p. 36). the *Arura* be a square measure of an hundred Egyptian cubits (Rosweyde, nomasticon ad Vit. Patrum, p. 1014, 1015) and the Egyptian cubit of all ages be ual to twenty-two English inches (Greaves, vol. i. p. 233), the arura will consist of out three-quarters of an English acre.

[10] The description of the monastery is given by Jerom (tom. i. p. 248, 249, in . Hilarion. [Migne, vol. xxiii. p. 45]) and the P. Sicard (Missions du Levant, m. v. p. 122-200). Their accounts cannot always be reconciled: the father inted from his fancy, and the Jesuit from his experience.

which were planted in that barren soil by the disciples of A
[Tabennisi founded c. A.D. 322] tony.[11] In the Upper Thebais, the vacant Island of Tabenn
was occupied by Pachomius, and fourteen hundred of his brethr
That holy abbot successively founded nine monasteries of m
and one of women; and the festival of Easter sometimes collect
fifty thousand religious persons, who followed his angelic rule
discipline.[13] The stately and populous city of Oxyrinchus, t
seat of Christian orthodoxy, had devoted the temples, the pub
edifices, and even the ramparts, to pious and charitable uses; a
the bishop, who might preach in twelve churches, computed t
thousand females, and twenty thousand males, of the monas
profession.[14] The Egyptians, who gloried in this marvello
revolution, were disposed to hope, and to believe, that t
number of the monks was equal to the remainder of t
people;[15] and posterity might repeat the saying, which h
formerly been applied to the sacred animals of the same count
That, in Egypt, it was less difficult to find a god than a man.

Propagation of the monastic life at Rome. A.D. 341 Athanasius introduced into Rome the knowledge and pract
of the monastic life; and a school of this new philosophy v
opened by the disciples of Antony, who accompanied th
primate to the holy threshold of the Vatican. The strange a
savage appearance of these Egyptians excited, at first, horror a
contempt, and at length applause and zealous imitation. T
senators, and more especially the matrons, transformed th
palaces and villas into religious houses; and the narrow insti
tion of *six* Vestals was eclipsed by the frequent monaster
which were seated on the ruins of ancient temples, and in

[11] Jerom, tom. i. p. 146 [ep. 22], ad Eustochium. Hist. Lausiac. c. 7, in Patrum, p. 712. The P. Sicard (Missions du Levant, tom. ii. p. 29-79) visited, has described, this desert, which now contains four monasteries, and twent thirty monks. See D'Anville, Description de l'Egypte, p. 74.

[12] Tabenne is a small island in the Nile, in the diocese of Tentyra or Dend between the modern town of Girge and the ruins of ancient Thebes (D'Anville 194). M. de Tillemont doubts whether it was an isle; but I may conclude, f his own facts, that the primitive name was afterwards transferred to the g monastery of Bau or Pabau [Phbôon] (Mém. Ecclés. tom. vii. p. 678, 688).

[13] See in the Codex Regularum (published by Lucas Holstenius, Rome, 166 preface of St. Jerom to his Latin version of the Rule of Pachomius, tom. i. p. [See Appendix 3.]

[14] Rufin. c. 5, in Vit. Patrum, p. 459. He calls it, civitas ampla valde et p losa, and reckons twelve churches. Strabo (l. xvii. p. 1166 [c. 1, § 40]) and mianus (xxii. 16) have made honourable mention of Oxyrinchus, whose inhabit adored a small fish in a magnificent temple.

[15] Quanti populi habentur in urbibus, tantae pæne habentur in desertis m tudines monachorum. Rufin. c. 7, in Vit. Patrum, p. 461. He congratulates fortunate change.

dst of the Roman Forum.[16] Inflamed by the example of ntony, a Syrian youth, whose name was Hilarion,[17] fixed his eary abode on a sandy beach, between the sea and a morass, out seven miles from Gaza. The austere penance, in which persisted forty-eight years, diffused a similar enthusiasm; d the holy man was followed by a train of two or three thousand achorets, whenever he visited the innumerable monasteries of lestine. The fame of Basil[18] is immortal in the monastic story of the East. With a mind that had tasted the learning d eloquence of Athens, with an ambition scarcely to be satisfied the archbishopric of Cæsarea, Basil retired to a savage soli-de in Pontus; and deigned, for a while, to give laws to the iritual colonies which he profusely scattered along the coast of e Black Sea. In the West, Martin of Tours,[19] a soldier, an hermit, bishop, and a saint, established the monasteries of Gaul; two ousand of his disciples followed him to the grave; and his quent historian challenges the deserts of Thebais to produce, a more favourable climate, a champion of equal virtue. The ogress of the monks was not less rapid or universal than that Christianity itself. Every province, and at last every city, of e empire was filled with their increasing multitudes; and the eak and barren isles, from Lerins to Lipari, that arise out of e Tuscan sea, were chosen by the anachorets, for the place of eir voluntary exile. An easy and perpetual intercourse by sea

Hilarion in Palestine. A.D. 328

Basil in Pontus. A.D. 360

Martin in Gaul. A.D. 370

[16] The introduction of the monastic life into Rome and Italy is occasionally ntioned by Jerom (tom. i. p. 119, 120, 199). [There is no reason to doubt ome's statement (ep. 127) that Marcella at Rome learned about the hermit An-y and the monk Pachomius from Athanasius. The Index of the Festal Letters tes that Antony visited Alexandria, July 27, A.D. 337, and Athanasius must ve heard about him on his return from the west at the end of the same year. e Vita Pachomii (see Appendix 3) states that Athanasius became acquainted h the institutions of Pachomius as early as A.D. 329. Hence he could describe monasticism of Egypt to his friends at Rome during his visit in A.D. 341. Cp. itzmacher, Pachomius, p. 56.]

[17] See the life of Hilarion, by St. Jerom (tom. i. p. 241, 252 [Migne, vol. xxxiii. 30, 46]). The stories of Paul, Hilarion, and Malchus, by the same author, are nirably told; and the only defect of these pleasing compositions is the want of th and common sense.

[18] His original retreat was in a small village on the banks of the Iris, not far n Neo-Cæsarea. The ten or twelve years of his monastic life were disturbed long and frequent avocations. Some critics have disputed the authenticity of Ascetic rules; but the external evidence is weighty, and they can only prove t it is the work of a real or affected enthusiast. See Tillemont, Mém. Ecclés. n. ix. p. 636-644. Helyot, Hist. des Ordres Monastiques, tom. i. p. 175-181.

[19] See his Life, and the three Dialogues by Sulpicius Severus, who asserts alog. i. 16) that the booksellers of Rome were delighted with the quick and dy sale of his popular work.

and land connected the provinces of the Roman world; and th life of Hilarion displays the facility with which an indige hermit of Palestine might traverse Egypt, embark for Sicil escape to Epirus, and finally settle in the island of Cyprus. The Latin Christians embraced the religious institutions of Rom The pilgrims, who visited Jerusalem, eagerly copied, in the mo distant climates of the earth, the faithful model of the monast life. The disciples of Antony spread themselves beyond th tropic, over the Christian empire of Ethiopia.[21] The monaste of Banchor,[22] in Flintshire, which contained above two thousar brethren, dispersed a numerous colony among the Barbarians Ireland;[23] and Iona, one of the Hebrides, which was plante by the Irish monks, diffused over the northern regions a doubtf ray of science and superstition.[24]

These unhappy exiles from social life were impelled by th dark and implacable genius of superstition. Their mutu resolution was supported by the example of millions, of eith sex, of every age, and of every rank; and each proselyte, wh entered the gates of a monastery, was persuaded that he tr the steep and thorny path of eternal happiness.[25] But th

[20] When Hilarion sailed from Parætonium to Cape Pachynus, he offered to p his passage with a book of the Gospels. Posthumian, a Gallic monk, who h visited Egypt, found a merchant-ship bound from Alexandria to Marseilles, a performed the voyage in thirty days (Sulp. Sever. Dialog. i. 1). Athanasius, w addressed his Life of St. Antony to the foreign monks, was obliged to hasten t composition, that it might be ready for the sailing of the fleets (tom. ii. p. 451).

[21] See Jerom (tom. i. p. 126), Assemanni, Bibliot. Orient. tom. iv. p. 92, p. 8 919, and Geddes, Church History of Æthiopia, p. 29, 30, 31. The Abyssini monks adhere very strictly to the primitive institution.

[22] Camden's Britannia, vol. i. p. 666, 667.

[23] All that learning can extract from the rubbish of the dark ages is copiou stated by Archbishop Usher, in his Britannicarum Ecclesiarum Antiquitat cap. xvi. p. 425-503.

[24] This small though not barren spot, Iona, Hy, or Columbkill, only two mi in length, and one mile in breadth, has been distinguished, 1. By the monastery St. Columba, founded A.D. 566, whose abbot exercised an extraordinary jurisd tion over the bishops of Caledonia; 2. By a *classic* library, which afforded so hopes of an entire Livy; and, 3. By the tombs of sixty kings, Scots, Irish a Norwegians; who reposed in holy ground. See Usher (p. 311, 360-370) a Buchanan (Rer. Scot. l. ii. p. 15, edit. Ruddiman).

[25] Chrysostom (in the first tome of the Benedictine edition) has consecra three books to the praise and defence of the monastic life. He is encouraged, the example of the ark, to presume that none but the elect (the monks) can p sibly be saved (l. i. p. 55, 56). Elsewhere indeed he becomes more merciful iii. p. 83, 84) and allows different degrees of glory, like the sun, moon, and sta In this lively comparison of a king and a monk (l. iii. p. 116-121) he suppo (what is hardly fair) that the king will be more sparingly rewarded and m rigorously punished.

eration of these religious motives was variously determined the temper and situation of mankind. Reason might sube, or passion might suspend, their influence; but they acted ost forcibly on the infirm minds of children and females; they ere strengthened by secret remorse or accidental misfortune; d they might derive some aid from the temporal considera-ns of vanity or interest. It was naturally supposed that the ous and humble monks, who had renounced the world to complish the work of their salvation, were the best qualified r the spiritual government of the Christians. The reluctant rmit was torn from his cell, and seated, amidst the acclama-ns of the people, on the episcopal throne; the monasteries Egypt, of Gaul, and of the East supplied a regular succession saints and bishops; and ambition soon discovered the secret ad which led to the possession of wealth and honours.[26] The pular monks, whose reputation was connected with the fame d success of the order, assiduously laboured to multiply the mber of their fellow-captives. They insinuated themselves to noble and opulent families; and the specious arts of flatry and seduction were employed to secure those proselytes o might bestow wealth or dignity on the monastic profession. e indignant father bewailed the loss, perhaps, of an only n;[27] the credulous maid was betrayed by vanity to violate e laws of nature; and the matron aspired to imaginary per-tion, by renouncing the virtues of domestic life. Paula elded to the persuasive eloquence of Jerom;[28] and the pro-e title of mother-in-law of God[29] tempted that illustrious dow to consecrate the virginity of her daughter Eustochium. the advice, and in the company, of her spiritual guide, Paula andoned Rome and her infant son; retired to the holy vil-ge of Bethlem; founded an hospital and four monasteries;

[26] Thomassin (Discipline de l'Eglise, tom. i. p. 1426-1469) and Mabillon (Oeuvres sthumes, tom. ii. p. 115-158). The monks were gradually adopted as a part of ecclesiastical hierarchy.

[27] Dr. Middleton (vol. i. p. 110) liberally censures the conduct and writings of rysostom, one of the most eloquent and successful advocates for the monastic

[28] Jerom's devout ladies form a very considerable portion of his works: the ticular treatise which he styles the Epitaph of Paula (tom. i. p. 169-192 [ep.]) is an elaborate and extravagant panegyric. The exordium is ridiculously gid: "If all the members of my body were changed into tongues, and if all limbs resounded with a human voice, yet should I be incapable," &c.

[29] Socrus Dei esse cœpisti (Jerom, tom. i. p. 140, ad Eustochium). Rufinus (in eronym. Op. tom. iv. p. 223), who was justly scandalized, asks his adversary, m what Pagan poet he had stolen an expression so impious and absurd?

and acquired, by her alms and penance, an eminent and con spicuous station in the Catholic church. Such rare and illustri ous penitents were celebrated as the glory and example of the age; but the monasteries were filled by a crowd of obscure an abject plebeians,[30] who gained in the cloister much more tha they had sacrificed in the world. Peasants, slaves, and mechan ics might escape from poverty and contempt to a safe an honourable profession, whose apparent hardships are mit gated by custom, by popular applause, and by the secret re laxation of discipline.[31] The subjects of Rome, whose person and fortunes were made responsible for unequal and exorbitan tributes, retired from the oppression of the Imperial goverr ment; and the pusillanimous youth preferred the penance of monastic, to the dangers of a military, life. The affrighte provincials, of every rank, who fled before the Barbarian found shelter and subsistence; whole legions were buried i these religious sanctuaries; and the same cause, which relieve the distress of individuals, impaired the strength and fortitud of the empire.[32]

Obedience of the monks

The monastic profession of the ancients[33] was an act o voluntary devotion. The inconstant fanatic was threatene with the eternal vengeance of the God whom he deserted; bu the doors of the monastery were still open for repentanc Those monks, whose conscience was fortified by reason or pa sion, were at liberty to resume the character of men and cit zens; and even the spouses of Christ might accept the leg

[30] Nunc autem veniunt *plerumque* ad hanc professionem servitutis Dei, et conditione servili, vel etiam liberati, vel propter hoc a Dominis liberati sive libe andi; et ex vitâ rusticanâ, et ex opificum exercitatione, et plebeio labore. Augu tin. de Oper. Monach. c. 22, ap. Thomassin, Discipline de l'Eglise, tom. iii. 1094. The Egyptian who blamed Arsenius owned that he led a more comfortab life as a monk than as a shepherd. See Tillemont, Mém. Ecclés. tom. xiv. 679.

[31] A Dominican friar (Voyages du P. Labat, tom. i. p. 10) who lodged at Cad in a convent of his brethren soon understood that their repose was never inte rupted by nocturnal devotion; "quoiqu'on ne laisse pas de sonner pour l'édificati du peuple".

[32] See a very sensible preface of Lucas Holstenius to the Codex Regularu The emperors attempted to support the obligation of public and private dutie but the feeble dykes were swept away by the torrent of superstition; and Justinia surpassed the most sanguine wishes of the monks (Thomassin, tom. i. p. 178 1799, and Bingham, l. vii. c. 3, p. 253).

[33] The monastic institutions, particularly those of Egypt, about the year 40 are described by four curious and devout travellers; Rufinus (Vit. Patrum, l. iii. p. 424-536), Posthumian (Sulp. Sever. Dialog. i.), Palladius (Hist. Lausia in Vit. Patrum, p. 709-863), and Cassian (see in tom. vii. Bibliothec. Max. Patru his four first books of Institutes, and the twenty-four Collations or Conferences).

mbraces of an earthly lover.[34] The examples of scandal and ne progress of superstition suggested the propriety of more rcible restraints. After a sufficient trial, the fidelity of the ovice was secured by a solemn and perpetual vow; and his revocable engagement was ratified by the laws of the church nd state. A guilty fugitive was pursued, arrested, and re-tored to his perpetual prison; and the interposition of the agistrate oppressed the freedom and merit which had allevi-ted, in some degree, the abject slavery of the monastic dis-pline.[35] The actions of a monk, his words and even his houghts, were determined by an inflexible rule,[36] or a capricious uperior; the slightest offences were corrected by disgrace or onfinement, extraordinary fasts or bloody flagellation; and dis-bedience, murmur, or delay were ranked in the catalogue of ne most heinous sins.[37] A blind submission to the commands f the abbot, however absurd, or even criminal, they might eem, was the ruling principle, the first virtue of the Egyptian nonks; and their patience was frequently exercised by the nost extravagant trials. They were directed to remove an normous rock; assiduously to water a barren staff, that was lanted in the ground, till, at the end of three years, it should egetate and blossom like a tree; to walk into a fiery furnace; r to cast their infant into a deep pond: and several saints, or nadmen, have been immortalized in monastic story by their

[34] The example of Malchus (Jerom, tom. i. p. 256) and the design of Cassian nd his friend (Collation xxiv. 1 [Migne, vol xlix. p. 1282]) are incontestable roofs of their freedom; which is elegantly described by Erasmus in his life of St. erom. See Chardon, Hist. des Sacremens, tom. vi. p. 279-300.

[35] See the laws of Justinian (Novel. cxxiii. [155, ed. Zachariae; A.D. 546] No.) and of Lewis the Pious (in the historians of France tom. vi., p. 427), and the tual jurisprudence of France, in Denissart (Décisions, &c. tom. iv. p. 855, &c.).

[36] The ancient Codex Regularum, collected by Benedict Anianinus [*leg.* nianensis], the reformer of the monks in the beginning of the ninth century, and ublished in the seventeenth by Lucas Holstenius, contains thirty different rules r men and women. Of these, seven were composed in Egypt, one in the East, ne in Cappadocia, one in Italy, one in Africa, four in Spain, eight in Gaul, or rance, and one in England.

[37] The rule of Columbanus, so prevalent in the West, inflicts one hundred shes for very slight offences (Cod. Reg. part ii. p. 174). Before the time of harlemagne, the abbots indulged themselves in mutilating their monks, or tting out their eyes: a punishment much less cruel than the tremendous *vade in ce* (the subterraneous dungeon, or sepulchre) which was afterwards invented. e an admirable discourse of the learned Mabillon (Oeuvres Posthumes, tom. ii. 321-336), who, on this occasion, seems to be inspired by the genius of humanity. or such an effort, I can forgive his defence of the holy tear of Vendôme (p. 361-9).

thoughtless and fearless obedience.[38] The freedom of t
mind, the source of every generous and rational sentiment, w
destroyed by the habits of credulity and submission; and t
monk, contracting the vices of a slave, devoutly followed t
faith and passions of his ecclesiastical tyrant. The peace of t
Eastern church was invaded by a swarm of fanatics, incapable
fear, or reason, or humanity; and the Imperial troops ackno
ledged, without shame, that they were much less apprehensi
of an encounter with the fiercest Barbarians.[39]

Their dress and habitations

Superstition has often framed and consecrated the fantas
garments of the monks;[40] but their apparent singularity som
times proceeds from their uniform attachment to a simple a
primitive model, which the revolutions of fashion have ma
ridiculous in the eyes of mankind. The father of the Bened
tines expressly disclaims all idea of choice or merit, and sobe
exhorts his disciples to adopt the coarse and convenient dress
the countries which they may inhabit.[41] The monastic habits
the ancients varied with the climate and their mode of lif
and they assumed, with the same indifference, the sheepskin
the Egyptian peasants or the cloak of the Grecian philosophe
They allowed themselves the use of linen in Egypt, where it w
a cheap and domestic manufacture; but in the West they r
jected such an expensive article of foreign luxury.[42] It was t
practice of the monks either to cut or shave their hair;[43] th
wrapped their heads in a cowl, to escape the sight of profa
objects; their legs and feet were naked, except in the extre
cold of winter; and their slow and feeble steps were support
by a long staff. The aspect of a genuine anachoret was hor

[38] Sulp. Sever. Dialog. i. 12, 13, p. 532, &c. Cassian. Institut. l. iv. c. 27. "Præcipua ibi virtus et prima est obedientia." Among the Verba senior (in Vit. Patrum, l. v. p. 617) the fourteenth libel or discourse is on the subject obedience; and the Jesuit Rosweyde, who published that huge volume for the of convents, has collected all the scattered passages in his two copious indexes.

[39] Dr. Jortin (Remarks on Ecclesiastical History, vol. iv. p. 161) has obser the scandalous valour of the Cappadocian monks, which was exemplified in banishment of Chrysostom.

[40] Cassian has simply, though copiously, described the monastic habit of Eg (Institut. l. i.), to which Sozomen (l. iii. c. 14) attributes such allegorical mean and virtue.

[41] Regal Benedict. No. 55, in Cod. Regul. part ii. p. 51.

[42] See the Rule of Ferreolus, bishop of Ufez (No. 31, in Cod. Regul. part ii 136), and of Isidore, bishop of Seville (No. 13, in Cod. Regul. part ii. p. 214).

[43] [The tonsure was at first confined to Egypt, where it was practised by communities of St. Pachomius in the fourth century. It was probably borrov from the ascetics of Serapis. Cp. Appendix 3.]

nd disgusting; every sensation that is offensive to man was nought acceptable to God; and the angelic rule of Tabenne ondemned the salutary custom of bathing the limbs in water nd of anointing them with oil.[44] The austere monks slept on the round, on a hard mat or a rough blanket; and the same bundle f palm-leaves served them as a seat in the day and a pillow in ne night. Their original cells were low narrow huts, built of ne slightest materials; which formed, by the regular distribu- ion of the streets, a large and populous village, inclosing within ne common wall a church, an hospital, perhaps a library, some ecessary offices, a garden, and a fountain or reservoir of fresh ater. Thirty or forty brethren composed a family of separate iscipline and diet; and the great monasteries of Egypt con- sted of thirty or forty families.

Their diet

Pleasure and guilt are synonymous terms in the language of ne monks; and they had discovered, by experience, that rigid sts and abstemious diet are the most effectual preservatives gainst the impure desires of the flesh.[45] The rules of absti- ence, which they imposed, or practised, were not uniform or erpetual: the cheerful festival of the Pentecost was balanced y the extraordinary mortification of Lent; the fervour of new onasteries was insensibly relaxed; and the voracious appetite f the Gauls could not imitate the patient and temperate virtue f the Egyptians.[46] The disciples of Antony and Pachomius ere satisfied with their daily pittance[47] of twelve ounces of read, or rather biscuit,[48] which they divided into two frugal

[44] Some partial indulgences were granted for the hands and feet. "Totum tem corpus nemo unguet nisi causâ infirmitatis, nec lavabitur aquâ nudo corpore, si languor perspicuus sit." (Regul. Pachom. xcii. part i. p. 78.)

[45] St. Jerom, in strong, but indiscreet, language, expresses the most important e of fasting and abstinence: "Non quod Deus universitatis Creator et Dominus, estinorum nostrorum rugitu, et inanitate ventris, pulmonisque ardore delectetur, l quod aliter pudicitia tuta esse non possit" (Op. tom. i. p. 137, ad Eusto- ium [Ep. 22]). See the twelfth and twenty-second Collations of Cassian, *de stitate*, and *de Illusionibus Nocturnis*.

[46] Edacitas in Græcis gula est, in Gallis natura (Dialog. i. c. 4, p. 521). Cassian rly owns that the perfect model of abstinence cannot be imitated in Gaul, on count of the aerum temperies, and the qualitas nostræ fragilitatis (Institut. iv.). Among the Western rules, that of Columbanus is the most austere; he had en educated amidst the poverty of Ireland, as rigid perhaps, and inflexible, as abstemious virtue of Egypt. The Rule of Isidore of Seville is the mildest: on lidays he allows the use of flesh.

[47] "Those who drink only water and have no nutritious liquor ought, at least, have a pound and a half (*twenty-four ounces*) of bread every day." State of isons, p. 40, by Mr. Howard.

[48] See Cassian, Collat. l. ii. 19, 20, 21. The small loaves, or biscuit, of six ounces

repasts, of the afternoon and of the evening. It was esteeme a merit, and almost a duty, to abstain from the boiled vegetabl which were provided for the refectory; but the extraordina bounty of the abbot sometimes indulged them with the luxu of cheese, fruit, salad, and the small dried fish of the Nile.[49] more ample latitude of sea and river fish was gradually allowe or assumed; but the use of flesh was long confined to the sick travellers; and, when it gradually prevailed in the less rig monasteries of Europe, a singular distinction was introduced; if birds, whether wild or domestic, had been less profane tha the grosser animals of the field. Water was the pure and inn cent beverage of the primitive monks; and the founder of t Benedictines regrets the daily portion of half a pint of win which had been extorted from him by the intemperance of t age.[50] Such an allowance might be easily supplied by the vin yards of Italy; and his victorious disciples, who passed the Alp the Rhine, and the Baltic, required, in the place of wine, adequate compensation of strong beer or cyder.

Their manual labour

The candidate who aspired to the virtue of evangelical pover abjured, at his first entrance into a regular community, the ide and even the name, of all separate or exclusive possession. The brethren were supported by their manual labour; and t duty of labour was strenuously recommended as a penance, an exercise, and as the most laudable means of securing the daily sustenance.[52] The garden and fields, which the indust of the monks had often rescued from the forest or the mora were diligently cultivated by their hands. They performe

each, had obtained the name of *Paximacia* (Rosweyde, Onomasticon, p. 104 Pachomius, however, allowed his monks some latitude in the quantity of their foo but he made them work in proportion as they ate (Pallad. in Hist. Lausiac. c. 39, in Vit. Patrum, l. viii. p. 736, 737). [*Biscuit* in modern Greek is παξημάδι.]

[49] See the banquet to which Cassian (Collation viii. 1) was invited by Seren an Egyptian abbot.

[50] See the Rule of St. Benedict, No. 39, 40 (in Cod. Reg. part ii. p. 41, 4 Licet legamus vinum omnino monachorum non esse, sed quia nostris temporibus monachis persuaderi non potest; he allows them a Roman *hemina*, a meas which may be ascertained from Arbuthnot's Tables.

[51] Such expressions as *my* book, *my* cloak, *my* shoes (Cassian. Institut. l. iv. 13) were not less severely prohibited among the Western monks (Cod. Regul. p ii. p. 174, 235, 288), and the Rule of Columbanus punished them with six lash The ironical author of the *Ordres Monastiques*, who laughs at the foolish nicety modern convents, seems ignorant that the ancients were equally absurd.

[52] Two great masters of ecclesiastical science, the P. Thomassin (Discipline l'Eglise, tom. iii. p. 1090-1139) and the P. Mabillon (Etudes Monastiques, tom p. 116-155), have seriously examined the manual labour of the monks, which former considers as a *merit*, and the latter as a *duty*.

vithout reluctance, the menial offices of slaves and domestics; nd the several trades that were necessary to provide their abits, their utensils, and their lodging, were exercised within he precincts of the great monasteries. The monastic studies ave tended, for the most part, to darken, rather than to dispel, he cloud of superstition. Yet the curiosity or zeal of some earned solitaries has cultivated the ecclesiastical, and even the rofane, sciences; and posterity must gratefully acknowledge hat the monuments of Greek and Roman literature have been reserved and multiplied by their indefatigable pens.[53] But the nore humble industry of the monks, especially in Egypt, was ontented with the silent, sedentary, occupation of making vooden sandals or of twisting the leaves of the palm-trees into nats and baskets. The superfluous stock, which was not consumed in domestic use, supplied, by trade, the wants of the ommunity; the boats of Tabenne, and the other monasteries f Thebais, descended the Nile as far as Alexandria; and, in a Christian market, the sanctity of the workmen might enhance he intrinsic value of the work.

Their riches

But the necessity of manual labour was insensibly superseded. The novice was tempted to bestow his fortune on the saints, in vhose society he was resolved to spend the remainder of his ife; and the pernicious indulgence of the laws permitted him o receive, for their use, any future accessions of legacy or inheritance.[54] Melania contributed her plate, three hundred pounds veight of silver, and Paula contracted an immense debt, for the elief of their favourite monks; who kindly imparted the merits of heir prayers and penance to a rich and liberal sinner.[55] Time ontinually increased, and accidents could seldom diminish, the states of the popular monasteries, which spread over the ad-

[53] Mabillon (Etudes Monastiques, tom. i. p. 47-55) has collected many curious cts to justify the literary labours of his predecessors, both in the East and West. ooks were copied in the ancient monasteries of Egypt (Cassian. Institut. l. iv. c. 2) and by the disciples of St. Martin (Sulp. Sever. in Vit. Martin c. 7, p. 473). assiodorius has allowed an ample scope for the studies of the monks; and *we* nall not be scandalized, if their pen sometimes wandered from Chrysostom and ugustin to Homer and Virgil.

[54] Thomassin (Discipline de l'Eglise, tom. iii. p. 18, 145, 146, 171-179) has xamined the revolution of the civil, canon, and common, law. Modern France nfirms the death which monks have inflicted on themselves, and justly deprives em of all right of inheritance.

[55] See Jerom (tom. i. p. 176, 183). The monk Pambo made a sublime answer Melania, who wished to specify the value of her gift: "Do you offer it to me, to God? If to God, HE who suspends the mountains in a balance need not be formed of the weight of your plate." (Pallad. Hist. Lausiac. c. 10, in the Vit. atrum, l. viii. p. 715.)

jacent country and cities; and, in the first century of the institution, the infidel Zosimus has maliciously observed that for the benefit of the poor, the Christian monks had reduced great part of mankind to a state of beggary.[56] As long as the maintained their original fervour, they approved themselves however, the faithful and benevolent stewards of the charit which was entrusted to their care. But their discipline was co rupted by prosperity: they gradually assumed the pride wealth, and at last indulged the luxury of expense. The public luxury might be excused by the magnificence of religiou worship and the decent motive of erecting durable habitation for an immortal society. But every age of the church has a cused the licentiousness of the degenerate monks; who r longer remembered the object of their institution, embraced th vain and sensual pleasures of the world which they had r nounced,[57] and scandalously abused the riches which had bee acquired by the austere virtues of their founders.[58] Their natur descent from such painful and dangerous virtue to the commo vices of humanity will not, perhaps, excite much grief or indi nation in the mind of a philosopher.

Their solitude

The lives of the primitive monks were consumed in penan and solitude, undisturbed by the various occupations which f the time, and exercise the faculties, of reasonable, active, a social beings. Whenever they were permitted to step beyo the precincts of the monastery, two jealous companions were t mutual guards and spies of each other's actions; and, after the return, they were condemned to forget, or, at least, to suppre whatever they had seen or heard in the world. Strangers, w professed the orthodox faith, were hospitably entertained in separate apartment; but their dangerous conversation was r stricted to some chosen elders of approved discretion and fideli

[56] Τὸ πολὺ μέρος τῆς γῆς ᾠκειώσαντο, προφάσει τοῦ μεταδιδόναι πάντα πτωχ πάντας (ὡς εἰπεῖν) πτωχοὺς καταστήσαντες. Zosim. l. v. p. 325 [c. 23]. Yet wealth of the Eastern monks was far surpassed by the princely greatness of Benedictines.

[57] The sixth general council (the Quinisext in Trullo, Canon xlvii. in Beverid tom. i. p. 213) restrains women from passing the night in a male, or men i female, monastery. The seventh general council (the second Nicene, Canon in Beveridge, tom. i. p. 325) prohibits the erection of double or promiscu monasteries of both sexes; but it appears from Balsamon that the prohibition not effectual. On the irregular pleasures and expenses of the clergy and *mon* see Thomassin, tom. iii. p. 1334-1368.

[58] I have somewhere heard or read the frank confession of a Benedictine abb "My vow of poverty has given me an hundred thousand crowns a year; my v of obedience has raised me to the rank of a sovereign prince".—I forget the co quences of his vow of chastity.

xcept in their presence, the monastic slave might not receive he visits of his friends or kindred; and it was deemed highly eritorious if he afflicted a tender sister or an aged parent by he obstinate refusal of a word or look.[59] The monks themselves assed their lives, without personal attachments, among a crowd, hich had been formed by accident and was detained, in the me prison, by force or prejudice. Recluse fanatics have few leas or sentiments to communicate; a special licence of the bbot regulated the time and duration of their familiar visits; nd, at their silent meals, they were enveloped in their cowls, naccessible, and almost invisible, to each other.[60] Study is the esource of solitude; but education had not prepared and quali-ed for any liberal studies the mechanics and peasants, who lled the monastic communities. They might work; but the anity of spiritual perfection was tempted to disdain the exercise f manual labour, and the industry must be faint and languid hich is not excited by the sense of personal interest.

Their devotion and visions

According to their faith and zeal, they might employ the day, hich they passed in their cells, either in vocal or mental rayer; they assembled in the evening, and they were awak-ned in the night, for the public worship of the monastery. he precise moment was determined by the stars, which are eldom clouded in the serene sky of Egypt; and a rustic horn r trumpet, the signal of devotion, twice interrupted the vast ilence of the desert.[61] Even sleep, the last refuge of the un-appy, was rigorously measured; the vacant hours of the monk eavily rolled along, without business or pleasure; and, before he close of each day, he had repeatedly accused the tedious rogress of the Sun.[62] In this comfortless state, superstition till pursued and tormented her wretched votaries.[63] The re-

[59] Pior, an Egyptian monk, allowed his sister to see him: but he shut his eyes uring the whole visit. See Vit. Patrum, l. iii. p. 504. Many such examples ight be added.

[60] The 7th, 8th, 29th, 30th, 31st, 34th, 57th, 60th, 86th, and 95th articles of the ule of Pachomius impose most intolerable *laws* of silence and mortification.

[61] The diurnal and nocturnal prayers of the monks are copiously discussed by assian in the third and fourth books of his Institutions; and he constantly prefers he liturgy, which an angel had dictated to the monasteries of Tabenne.

[62] Cassian, from his own experience, describes the *acedia*, or listlessness of mind nd body to which a monk was exposed, when he sighed to find himself alone. æpiusque egreditur et ingreditur cellam, et Solem velut ad occasum tardius pro-erantem crebrius intuetur (Institut. x. 1).

[63] The temptations and sufferings of Stagirius were communicated by that nfortunate youth to his friend St. Chrysostom. See Middleton's Works, vol. i. . 107-110. Something similar introduces the life of every saint; and the famous

pose which they had sought in the cloister was disturbed b tardy repentance, profane doubts, and guilty desires; an while they considered each natural impulse as an unpardonab sin, they perpetually trembled on the edge of a flaming an bottomless abyss. From the painful struggles of disease an despair these unhappy victims were sometimes relieved by mad ness or death; and, in the sixth century, an hospital was founde at Jerusalem for a small portion of the austere penitents, wh were deprived of their senses.[64] Their visions, before the attained this extreme and acknowledged term of frenzy, hav afforded ample materials of supernatural history. It was the firm persuasion that the air which they breathed was people with invisible enemies; with innumerable dæmons, who watche every occasion, and assumed every form, to terrify, and abov all to tempt, their unguarded virtue. The imagination, an even the senses, were deceived by the illusions of distempere fanaticism; and the hermit, whose midnight prayer was op pressed by involuntary slumber, might easily confound th phantoms of horror or delight which had occupied his sleepin and his waking dreams.[65]

The Cœnobites and Anachorets

The monks were divided into two classes: the *Cœnobites*, wh lived under a common and regular discipline; and the *Ana chorets*, who indulged their unsocial, independent fanaticism.[6 The most devout, or the most ambitious, of the spiritua brethren renounced the convent, as they had renounced th world. The fervent monasteries of Egypt, Palestine, and Syri were surrounded by a *Laura*,[67] a distant circle of solitary cells

Inigo, or Ignatius, the founder of the Jesuits (Vie d'Inigo de Guiposcoa, tom. p. 29-38), may serve as a memorable example.

[64] Fleury, Hist. Ecclésiastique, tom. vii. p. 46. I have read somewhere, in th Vitæ Patrum, but I cannot recover the place, that *several*, I believe *many*, of th monks, who did not reveal their temptations to the abbot, became guilty suicide.

[65] See the seventh and eighth Collations of Cassian, who gravely examines wh the dæmons were grown less active and numerous since the time of St. Anton Rosweyde's copious index will point out a variety of infern scenes. The devils were most formidable in a female shape.

[66] For the distinction of the *Cœnobites* and the *Hermits*, especially in Egypt, se Jerom (tom. i. p. 45, ad Rusticum), the first Dialogue of Sulpicius Severus, Rufinu (c. 22, in Vit. Patrum, l. ii. p. 478), Palladius (c. 7, 69, in Vit. Patrum, l. viii. 712, 758), and, above all, the eighteenth and nineteenth Collations of Cassian These writers, who compare the common and solitary life, reveal the abuse an danger of the latter.

[67] Suicer. Thesaur. Ecclesiast. tom. ii. p. 205, 218. Thomassin (Discipline d l'Eglise, tom. i. p. 1501, 1502) gives a good account of these cells. When Ge asimus founded his monastery, in the wilderness of Jordan, it was accompanied b a Laura of seventy cells.

nd the extravagant penance of the Hermits was stimulated by
plause and emulation.[68] They sunk under the painful weight
crosses and chains; and their emaciated limbs were confined
y collars, bracelets, gauntlets, and greaves, of massy and rigid
on. All superfluous incumbrance of dress they contemptuously
ast away; and some savage saints of both sexes have been ad-
ired, whose naked bodies were only covered by their long
air. They aspired to reduce themselves to the rude and miser-
le state in which the human brute is scarcely distinguished
ove his kindred animals; and a numerous sect of Anachorets
erived their name from their humble practice of grazing in the
elds of Mesopotamia with the common herd.[69] They often
surped the den of some wild beast whom they affected to re-
emble; they buried themselves in some gloomy cavern which
t or nature had scooped out of the rock; and the marble
uarries of Thebais are still inscribed with the monuments of
eir penance.[70] The most perfect hermits are supposed to
ave passed many days without food, many nights without
eep, and many years without speaking; and glorious was the
an (I abuse that name) who contrived any cell, or seat, of a
eculiar construction, which might expose him, in the most in-
nvenient posture, to the inclemency of the seasons.

Simeon Stylites. A.D. 395-451

Among these heroes of the monastic life, the name and genius of Simeon Stylites[71] have been immortalized by the singular invention of an aerial penance. At the age of thirteen, the young Syrian deserted the profession of a shepherd and threw himself into an austere monastery. After a long and painful novitiate, in which Simeon was repeatedly saved from pious suicide, he established his residence on a mountain about thirty or forty miles to the east of Antioch. Within the space of a *mandra*, or circle of stones, to which he had attached himself by a ponderous chain, he ascended a column, which was suc-

[68] Theodoret, in a large volume (the Philotheus in Vit. Patrum, l. ix. p. 793-873), has collected the lives and miracles of thirty Anachorets. Evagrius (l. i. c. 21) more briefly celebrates the monks and hermits of Palestine.

[69] Sozomen, l. vi. c. 33. The great St. Ephrem composed a panegyric on these βοσκοι, or grazing monks (Tillemont, Mém. Ecclés. tom. viii. p. 292).

[70] The P. Sicard (Missions du Levant, tom. ii. p. 217-233) examined the caverns of the Lower Thebais with wonder and devotion. The inscriptions are in the old Syriac character, which was used by the Christians of Abyssinia.

[71] See Theodoret (in Vit. Patrum, l. ix. p. 848-854), Antony (in Vit. Patrum, l. iii. p. 170-177), Cosmas (in Asseman. Bibliot. Oriental. tom. i. p. 239-253), Evagrius (l. i. c. 13, 14), and Tillemont (Mém. Ecclés. tom. xv. p. 347-392). [On Simeon and the other stylite anachorets, see the monograph of the Bollandist, M. Hippolyte Delehaye, Les Stylites, 1895.]

cessively raised from the height of nine, to that of sixty, fee from the ground.[72] In this last and lofty station, the Syria Anachoret resisted the heat of thirty summers, and the cold c as many winters. Habit and exercise instructed him to main tain his dangerous situation without fear or giddiness, and suc cessively to assume the different postures of devotion. H sometimes prayed in an erect attitude with his outstretche arms in the figure of a cross; but his most familiar practice wa that of bending his meagre skeleton from the forehead to th feet; and a curious spectator, after numbering twelve hundre and forty-four repetitions, at length desisted from the endles account. The progress of an ulcer in his thigh[73] might shorter but it could not disturb, this *celestial* life; and the patient Herm expired without descending from his column. A prince wh should capriciously inflict such tortures would be deemed a tyrant but it would surpass the power of a tyrant to impose a lon and miserable existence on the reluctant victims of his cruelt This voluntary martyrdom must have gradually destroyed th sensibility both of the mind and body; nor can it be presume that the fanatics, who torment themselves, are susceptible of an lively affection for the rest of mankind. A cruel unfeelin temper has distinguished the monks of every age and country their stern indifference, which is seldom mollified by persona friendship, is inflamed by religious hatred; and their merciles zeal has strenuously administered the holy office of the Inquis tion.

Miracles and worship of the monks

The monastic saints, who excite only the contempt and pit of a philosopher, were respected, and almost adored, by th prince and people. Successive crowds of pilgrims from Ga and India saluted the divine pillar of Simeon; the tribes c Saracens disputed in arms the honour of his benediction; th queens of Arabia and Persia gratefully confessed his supernatura virtue; and the angelic Hermit was consulted by the younge Theodosius, in the most important concerns of the church an state. His remains were transported from the mountain c Telenissa, by a solemn procession of the patriarch, the maste

[72] The narrow circumference of two cubits, or three feet, which Evagrius assig for the summit of the column, is inconsistent with reason, with facts, and with th rules of architecture. The people who saw it from below might be easily d ceived.

[73] I must not conceal a piece of ancient scandal concerning the origin of th ulcer. It has been reported that the Devil, assuming an angelic form, invited hi to ascend, like Elijah, into a fiery chariot. The saint too hastily raised his foo and Satan seized the moment of inflicting this chastisement on his vanity.

eneral of the East, six bishops, twenty-one counts or tribunes, nd six thousand soldiers; and Antioch revered his bones, as her lorious ornament and impregnable defence. The fame of the postles and martyrs was gradually eclipsed by these recent and opular Anachorets; the Christian world fell prostrate before heir shrines; and the miracles ascribed to their relics exceeded, least in number and duration, the spiritual exploits of their lives. ut the golden legend of their lives[74] was embellished by the tful credulity of their interested brethren; and a believing age as easily persuaded that the slightest caprice of an Egyptian r a Syrian monk had been sufficient to interrupt the eternal laws f the universe. The favourites of Heaven were accustomed to ure inveterate diseases with a touch, a word, or a distant essage; and to expel the most obstinate dæmons from the uls, or bodies, which they possessed. They familiarly accosted, r imperiously commanded, the lions and serpents of the desert; nfused vegetation into a sapless trunk; suspended iron on the rface of the water; passed the Nile on the back of a crocodile, nd refreshed themselves in a fiery furnace. These extravagant les, which display the fiction, without the genius, of poetry, ave seriously affected the reason, the faith, and the morals of ne Christians. Their credulity debased and vitiated the facules of the mind; they corrupted the evidence of history; and perstition gradually extinguished the hostile light of philosophy nd science. Every mode of religious worship which had been ractised by the saints, every mysterious doctrine which they beeved, was fortified by the sanction of divine revelation, and all ne manly virtues were oppressed by the servile and pusillanious reign of the monks. If it be possible to measure the nterval between the philosophic writings of Cicero and the acred legend of Theodoret, between the character of Cato and nat of Simeon, we may appreciate the memorable revolution hich was accomplished in the Roman empire within a period of ve hundred years.

Superstition of the age

II. The progress of Christianity has been marked by two lorious and decisive victories: over the learned and luxurious itizens of the Roman empire; and over the warlike Barbarians

II. CONVERSION OF THE BARBARIANS

[74] I know not how to select or specify the miracles contained in the *Vitae Patrum* Rosweyde, as the number very much exceeds the thousand pages of that luminous work. An elegant specimen may be found in the Dialogues of Sulpicius everus, and his life of St. Martin. He reveres the monks of Egypt; yet he insults em with the remark that *they* never raised the dead; whereas the bishop of ours had restored *three* dead men to life.

of Scythia and Germany, who subverted the empire, and em
braced the religion, of the Romans. The Goths were the fore
most of these savage proselytes; and the nation was indebte
for its conversion to a countryman, or, at least, to a subjec
worthy to be ranked among the inventors of useful arts, wh
have deserved the remembrance and gratitude of posterity.
great number of Roman provincials had been led away int
captivity by the Gothic bands who ravaged Asia in the time
Gallienus; and of these captives, many were Christians, an
several belonged to the ecclesiastical order. Those involuntar
missionaries, dispersed as slaves in the villages of Dacia, su
cessively laboured for the salvation of their masters. The seed
which they planted, of the evangelic doctrine, were gradual
propagated; and before the end of a century, the pious wor
was achieved by the labours of Ulphilas, whose ancestors ha
been transported beyond the Danube from a small town
Cappadocia.

Ulphilas, Apostle of the Goths. A.D. 360, &c.

Ulphilas, the bishop and apostle of the Goths,[75] acquired the
love and reverence by his blameless life and indefatigable zeal
and they received, with implicit confidence, the doctrines
truth and virtue which he preached and practised. He execute
the arduous task of translating the Scriptures into their nativ
tongue, a dialect of the German or Teutonic language; but h
prudently suppressed the four books of Kings, as they migh
tend to irritate the fierce and sanguinary spirit of the Ba
barians. The rude, imperfect, idiom of soldiers and shepherd
so ill-qualified to communicate any spiritual ideas, was improve
and modulated by his genius; and Ulphilas, before he coul
frame his version, was obliged to compose a new alphabet
twenty-four letters; four of which he invented, to express th
peculiar sounds that were unknown to the Greek, and Lati
pronunciation.[76] But the prosperous state of the Gothic churc

[75] On the subject of Ulphilas, and the conversion of the Goths, see Sozomen, vi. c. 37. Socrates, l. iv. c. 33. Theodoret, l. iv. c. 37. Philostorg. l. ii. c. The heresy of Philostorgius appears to have given him superior means of inform tion. [The notices of Socrates and Sozomen have been shown, with much prob bility, to be derived entirely from Philostorgius; Jeep, Quellenuntersuchunge p. 149.]

[76] A mutilated copy of the four gospels, in the Gothic version, was publish A.D. 1665, and is esteemed the most ancient monument of the Teutonic languag though Wetstein attempts, by some frivolous conjectures, to deprive Ulphilas the honour of the work. [The Codex Argenteus, preserved at Upsala. It ascribed to the 5th century.] Two of the four additional letters express the *W* a our own *Th*. See Simon, Hist. Critique du Nouveau Testament, tom. ii. p. 2 223. Mill, Prolegom. p. 151, edit. Kuster. Wetstein, Prolegom. tom. i. p. 1 [See Appendix 4.]

as soon afflicted by war and intestine discord, and the chief-ains were divided by religion as well as by interest. Fritigern, he friend of the Romans, became the proselyte of Ulphilas; hile the haughty soul of Athanaric disdained the yoke of the mpire, and of the Gospel. The faith of the new converts was ried by the persecution which he excited. A waggon, bearing loft the shapeless image of Thor, perhaps, or of Woden, was onducted in solemn procession through the streets of the camp; nd the rebels, who refused to worship the God of their fathers, ere immediately burned, with their tents and families. The haracter of Ulphilas recommended him to the esteem of the astern court, where he twice appeared as the minister of peace; e pleaded the cause of the distressed Goths, who implored the rotection of Valens; and the name of *Moses* was applied to his spiritual guide, who conducted his people, through the deep aters of the Danube, to the Land of Promise.[77] The devout hepherds, who were attached to his person and tractable to his oice, acquiesced in their settlement, at the foot of the Mæsian nountains, in a country of woodlands and pastures, which sup-orted their flocks and herds and enabled them to purchase the orn and wine of the more plentiful provinces. These harmless arbarians multiplied in obscure peace and the profession of hristianity.[78]

The Goths, Vandals, Burgundians, &c. embrace Christianity. A.D. 400, &c.

Their fiercer brethren, the formidable Visigoths, universally dopted the religion of the Romans, with whom they maintained perpetual intercourse, of war, of friendship, or of conquest. n their long and victorious march from the Danube to the tlantic ocean, they converted their allies; they educated the ising generation; and the devotion which reigned in the camp f Alaric, or the court of Toulouse, might edify, or disgrace, the alaces of Rome and Constantinople.[79] During the same period, hristianity was embraced by almost all the Barbarians, who stablished their kingdoms on the ruins of the Western empire; he Burgundians in Gaul, the Suevi in Spain, the Vandals in frica, the Ostrogoths in Pannonia, and the various bands of

[77] Philostorgius erroneously places this passage under the reign of Constan-ne; but I am much inclined to believe that it preceded the great emigration.

[78] We are obliged to Jornandes (de Reb. Get. c. 51, p. 688) for a short and vely picture of these lesser Goths. Gothi minores, populus immensus, cum suo ontifice ipsoque primate Wulfila. The last words, if they are not mere tautology, nply some temporal jurisdiction.

[79] At non ita Gothi non ita Vandali; malis licet doctoribus instituti, meliores men etiam in hâc parte quam nostri. Salvian de Gubern. Dei, l. vii. p. 243 [c. § 38].

mercenaries that raised Odoacer to the throne of Italy. T
Franks and the Saxons still persevered in the errors of Paga
ism; but the Franks obtained the monarchy of Gaul by the
submission to the example of Clovis; and the Saxon conquerc
of Britain were reclaimed from their savage superstition by tl
missionaries of Rome. These Barbarian proselytes displayed
ardent and successful zeal in the propagation of the faith. T
Merovingian kings, and their successors, Charlemagne and tl
Othos, extended, by their laws and victories, the dominion of tl
cross. England produced the apostle of Germany; and the eva
gelic light was gradually diffused from the neighbourhood of tl
Rhine to the nations of the Elbe, the Vistula, and the Baltic.[80]

Motives of their faith

The different motives which influenced the reason, or tl
passions, of the Barbarian converts cannot easily be ascertaine
They were often capricious and accidental; a dream, an ome
the report of a miracle, the example of some priest or hero, tl
charms of a believing wife, and, above all, the fortunate event
a prayer or vow which, in a moment of danger, they had a
dressed to the God of the Christians.[81] The early prejudices
education were insensibly erased by the habits of frequent an
familiar society; the moral precepts of the Gospel were pr
tected by the extravagant virtues of the monks; and a spiritu
theology was supported by the visible power of relics and tl
pomp of religious worship. But the rational and ingenious mo
of persuasion which a Saxon bishop[82] suggested to a popul
saint might sometimes be employed by the missionaries wl
laboured for the conversion of infidels. "Admit," says tl
sagacious disputant, "whatever they are pleased to assert of tl
fabulous, and carnal, genealogy of their gods and goddesses, wl
are propagated from each other. From this principle dedu
their imperfect nature, and human infirmities, the assurance th
were *born*, and the probability that they will *die*. At what tim
by what means, from what cause, were the eldest of the gods
goddesses produced? Do they still continue, or have they cease
to propagate? If they have ceased, summon your antagonis

[80] Mosheim has slightly sketched the progress of Christianity in the Nor
from the fourth to the fourteenth century. The subject would afford materials
an ecclesiastical, and even philosophical, history.

[81] To such a cause has Socrates (l. vii. c. 30) ascribed the conversion of the B
gundians, whose Christian piety is celebrated by Orosius (l. vii. c. 19 [*leg.* 32]).

[82] See an original and curious epistle from Daniel, the first bishop of Winches
(Beda, Hist. Eccles. Anglorum, l. v. c. 18, p. 203, edit. Smith), to St. Boniface, w
preached the Gospel among the Savages of Hesse and Thuringia. Epistol. Bo
facii, lxvii. in the Maxima Bibliotheca Patrum, tom. xiii. p. 93.

declare the reason of this strange alteration. If they still ntinue, the number of the gods must become infinite; and hall we not risk, by the indiscreet worship of some impotent eity, to excite the resentment of his jealous superior? The sible heavens and earth, the whole system of the universe, hich may be conceived by the mind, is it created or eternal? created, how, or where, could the gods themselves exist before ne creation? If eternal, how could they assume the empire of h independent and pre-existing world? Urge these arguments ith temper and moderation; insinuate, at seasonable intervals, ne truth, and beauty, of the Christian revelation; and endeaour to make the unbelievers ashamed, without making them ngry." This metaphysical reasoning, too refined perhaps for ne Barbarians of Germany, was fortified by the grosser weight f authority and popular consent. The advantage of temporal rosperity had deserted the Pagan cause, and passed over to the ervice of Christianity. The Romans themselves, the most owerful and enlightened nation of the globe, had renounced neir ancient superstition; and, if the ruin of their empire eemed to accuse the efficacy of the new faith, the disgrace was ready retrieved by the conversion of the victorious Goths. he valiant and fortunate Barbarians, who subdued the provinces f the West, successively received, and reflected, the same difying example. Before the age of Charlemagne, the Chrisan nations of Europe might exult in the exclusive possession of ne temperate climates, of the fertile lands, which produced orn, wine, and oil, while the savage idolaters, and their helpss idols, were confined to the extremities of the earth, the ark and frozen regions of the North.[83]

Effects of their conversion

Christianity, which opened the gates of Heaven to the Bararians, introduced an important change in their moral and olitical condition. They received, at the same time, the use letters, so essential to a religion whose doctrines are conined in a sacred book, and, while they studied the divine uth, their minds were insensibly enlarged by the distant view history, of nature, of the arts, and of society. The version of ne Scriptures into their native tongue, which had facilitated neir conversion, must excite, among their clergy, some curiosity read the original text, to understand the sacred liturgy of the urch, and to examine, in the writings of the fathers, the chain

[83] The sword of Charlemagne added weight to the argument; but, when aniel wrote this epistle (A.D. 723), the Mahometans, who reigned from India to ain, might have retorted it against the Christians.

of ecclesiastical tradition. These spiritual gifts were preserv in the Greek and Latin languages, which concealed the i estimable monuments of ancient learning. The immortal pr ductions of Virgil, Cicero, and Livy, which were accessible the Christian Barbarians, maintained a silent intercourse betwe the reign of Augustus and the times of Clovis and Charlemagn The emulation of mankind was encouraged by the remembran of a more perfect state; and the flame of science was secret kept alive, to warm and enlighten the mature age of the Weste world. In the most corrupt state of Christianity, the Barbaria might learn justice from the law, and mercy from the gospe and, if the knowledge of their duty was insufficient to guic their actions or to regulate their passions, they were sometim restrained by conscience, and frequently punished by remors But the direct authority of religion was less effectual than th holy communion which united them with their Christian brethre in spiritual friendship. The influence of these sentiments co tributed to secure their fidelity in the service, or the allianc of the Romans, to alleviate the horrors of war, to moderate th insolence of conquest, and to preserve, in the downfall of th empire, a permanent respect for the name and institutions Rome. In the days of Paganism, the priests of Gaul and Ge many reigned over the people, and controlled the jurisdiction the magistrates; and the zealous proselytes transferred an equa or more ample, measure of devout obedience to the pontiffs the Christian faith. The sacred character of the bishops w supported by their temporal possessions; they obtained honourable seat in the legislative assemblies of soldiers a freemen; and it was their interest, as well as their duty, mollify, by peaceful counsels, the fierce spirit of the Barbarian The perpetual correspondence of the Latin clergy, the freque pilgrimages to Rome and Jerusalem, and the growing authori of the Popes, cemented the union of the Christian republic; a gradually produced the similar manners, and common jurispr dence, which have distinguished, from the rest of mankind, t independent, and even hostile, nations of modern Europe.

They are involved in the Arian heresy.

But the operation of these causes was checked and retard by the unfortunate accident which infused a deadly poison in the cup of Salvation. Whatever might be the early sentimen of Ulphilas, his connexions with the empire and the church we formed during the reign of Arianism. The apostle of the Got subscribed the creed of Rimini; professed with freedom, a perhaps with sincerity, that the Son was not equal or consu

antial to the FATHER;[84] communicated these errors to the lergy and people; and infected the Barbaric world with an eresy[85] which the great Theodosius proscribed and extinguished nong the Romans. The temper and understanding of the new roselytes were not adapted to metaphysical subtleties; but ney strenuously maintained what they had piously received, the pure and genuine doctrines of Christianity. The advantage of preaching and expounding the Scriptures in the Teutonic nguage promoted the apostolic labours of Ulphilas and his ccessors; and they ordained a competent number of bishops nd presbyters, for the instruction of the kindred tribes. The strogoths, the Burgundians, the Suevi, and the Vandals, who ad listened to the eloquence of the Latin clergy,[86] preferred ne more intelligible lessons of their domestic teachers; and rianism was adopted as the national faith of the warlike conerts who were seated on the ruins of the Western empire. This reconcilable difference of religion was a perpetual source of alousy and hatred; and the reproach of *Barbarian* was imttered by the more odious epithet of *Heretic*. The heroes of ne North, who had submitted, with some reluctance, to believe nat all their ancestors were in hell,[87] were astonished and xasperated to learn that they themselves had only changed the ode of their eternal condemnation. Instead of the smooth pplause which Christian kings are accustomed to expect from eir loyal prelates, the orthodox bishops and their clergy were a state of opposition to the Arian courts; and their indiscreet pposition frequently became criminal, and might sometimes be

[84] The opinions of Ulphilas and the Goths inclined to Semi-Arianism, since they uld not say that the Son was a *creature*, though they held communion with se who maintained that heresy. Their apostle represented the whole controversy a question of trifling moment, which had been raised by the passions of the clergy. eodoret, l. iv. c. 37.

[85] The Arianism of the Goths has been imputed to the emperor Valens: "Itaque to Dei judicio ipsi eum vivum incenderunt, qui propter eum etiam mortui, vitio oris arsuri sunt". Orosius, l. vii. c. 33, p. 554. This cruel sentence is confirmed Tillemont, (Mém. Ecclés. tom. vi. p. 604-610), who coolly observes, "un seul mme entraîna dans l'enfer un nombre infini de Septentrionaux," &c. Salvian Gubern. Dei, l. v. p. 150, 151 [c. 2]) pities and excuses their involuntary or.

[86] Orosius affirms, in the year 416 (l. 7, c. 41, p. 580), that the churches of Christ the Catholics) were filled with Huns, Suevi, Vandals, Burgundians.

[87] Radbod, king of the Frisons, was so much scandalized by this rash declaran of a missionary that he drew back his foot after he had entered the baptismal t. See Fleury, Hist. Ecclés. tom. ix. p. 167.

dangerous.[88] The pulpit, that safe and sacred organ of seditio resounded with the names of Pharaoh and Holofernes;[89] th public discontent was inflamed by the hope or promise of glorious deliverance; and the seditious saints were tempted promote the accomplishment of their own predictions. Notwith standing these provocations, the Catholics of Gaul, Spain, an Italy enjoyed, under the reign of the Arians, the free and peac ful exercise of their religion. Their haughty masters respecte the zeal of a numerous people, resolved to die at the foot of the altars; and the example of their devout constancy was admire and imitated by the Barbarians themselves. The conquerc evaded, however, the disgraceful reproach, or confession, of fea by attributing their toleration to the liberal motives of reas and humanity; and, while they affected the language, they in perceptibly imbibed the spirit, of genuine Christianity.

General toleration

The peace of the church was sometimes interrupted. T Catholics were indiscreet, the Barbarians were impatient; a the partial acts of severity or injustice which had been recor mended by the Arian clergy were exaggerated by the orthod writers. The guilt of persecution may be imputed to Euric, ki of the Visigoths; who suspended the exercise of ecclesiastic or, at least, of episcopal, functions, and punished the popul bishops of Aquitain with imprisonment, exile, and confiscation But the cruel and absurd enterprise of subduing the min of a whole people was undertaken by the Vandals alon Genseric himself, in his early youth, had renounced the orth dox communion; and the apostate could neither grant n expect a sincere forgiveness. He was exasperated to find th the Africans who had fled before him in the field still presum to dispute his will in synods and churches; and his ferocio mind was incapable of fear or of compassion. His Catho subjects were oppressed by intolerant laws and arbitrary punis ments. The language of Genseric was furious and formidabl the knowledge of his intentions might justify the most unfavo

Arian persecution of the Vandals

Genseric, A.D. 429-477

[88] The epistles of Sidonius, bishop of Clermont, under the Visigoths, and Avitus, bishop of Vienna, under the Burgundians, explain, sometimes in dark hi the general dispositions of the Catholics. The history of Clovis and Theod will suggest some particular facts.

[89] Genseric confessed the resemblance by the severity with which he punis such indiscreet allusions. Victor Vitensis, 1, 7, p. 10.

[90] Such are the contemporary complaints of Sidonius, bishop of Clermont (l. c. 6, p. 182, &c. edit. Sirmond). Gregory of Tours, who quotes this Epistl ii. c. 25, in tom. ii. p. 174), extorts an unwarrantable assertion that, of the vacancies in Aquitain, some had been produced by episcopal *martyrdoms*.

ble interpretations of his actions; and the Arians were re-
roached with the frequent executions which stained the palace
id the dominions of the tyrant.[91] Arms and ambition were,
owever, the ruling passions of the monarch of the sea. But
unneric, his inglorious son, who seemed to inherit only his vices, Hunneric. A.D. 477
rmented the Catholics with the same unrelenting fury which
id been fatal to his brother, his nephews, and the friends and
vourites of his father, and, even to the Arian patriarch, who
as inhumanly burnt alive in the midst of Carthage. The
ligious war was preceded and prepared by an insidious truce;
ersecution was made the serious and important business of the
andal court; and the loathsome disease, which hastened the
eath of Hunneric, revenged the injuries, without contributing
the deliverance, of the church. The throne of Africa was
ccessively filled by the two nephews of Hunneric; by Gun- Gundamund. A.D. 484
amund, who reigned about twelve, and by Thrasimund, who
overned the nation above twenty-seven, years. Their admin-
tration was hostile and oppressive to the orthodox party.
undamund appeared to emulate, or even to surpass, the cruelty
his uncle; and, if at length he relented, if he recalled the
shops and restored the freedom of Athanasian worship, a
remature death intercepted the benefits of his tardy clemency.
is brother, Thrasimund, was the greatest and most accom- Thrasimund. A.D. 496
ished of the Vandal kings, whom he excelled in beauty,
udence, and magnanimity of soul. But this magnanimous
aracter was degraded by his intolerant zeal and deceit-
l clemency. Instead of threats and tortures, he employed
e gentle but efficacious powers of seduction. Wealth, dignity,
id the royal favour were the liberal rewards of apostacy; the
atholics, who had violated the laws, might purchase their par-
on by the renunciation of their faith; and, whenever Thrasi-
und meditated any rigorous measure, he patiently waited till
e indiscretion of his adversaries furnished him with a specious
portunity. Bigotry was his last sentiment in the hour of
eath; and he exacted from his successor a solemn oath that
e would never tolerate the sectaries of Athanasius. But his
ccessor, Hilderic, the gentle son of the savage Hunneric, Hilderic. A.D. 523
referred the duties of humanity and justice to the vain obliga-
on of an impious oath; and his accession was gloriously marked
the restoration of peace and universal freedom. The throne

[91] [But Gaiseric's religious policy varied with his relations to the Empire; and
can mark two peaces of the Catholic Church of Africa during his reign: A.D.
4-457, and 475-477, Vict. Vit., i. 24 and 51.]

Gelimer. A.D. 530

of that virtuous, though feeble, monarch was usurped by his cousin Gelimer, a zealous Arian; but the Vandal kingdom before he could enjoy or abuse his power, was subverted by the arms of Belisarius; and the orthodox party retaliated the injuries which they had endured.[92]

A general view of the persecution in Africa

The passionate declamations of the Catholics, the sole historians of this persecution, cannot afford any distinct series of causes and events, any impartial view of characters or counsels; but the most remarkable circumstances, that deserve either credit or notice, may be referred to the following heads: I. In the original law, which is still extant,[93] Hunneric expressly declares, and the declaration appears to be correct, that he had faithfully transcribed the regulations and penalties of the Imperial edicts against the heretical congregations, the clergy, and the people who dissented from the established religion. If the rights of conscience had been understood, the Catholics must have condemned their past conduct, or acquiesced in their actual sufferings. But they still persisted to refuse the indulgence which they claimed. While they trembled under the lash of persecution, they praised the *laudable* severity of Hunneric himself, who burnt or banished great numbers of Manichæans:[94] and they rejected, with horror, the ignominious compromise that the disciples of Arius and of Athanasius should enjoy a reciprocal and similar toleration in the territories of the Romans and in those of the Vandals.[95] II. The practice of a conference, which the Catholics had so frequently used to insult and punish these obstinate antagonists, was retorted against themselves.[96] At the

[92] The original monuments of the Vandal persecution are preserved in the five books of the History of Victor Vitensis (de Persecutione Vandalicâ), a bishop who was exiled by Hunneric; in the Life of St. Fulgentius, who was distinguished in the persecution of Thrasimund (in Biblioth. Max. Patrum, tom. ix. p. 4-16); and the first book of the Vandalic War, by the impartial Procopius (c. 7, 8, p. 196, 197, 198, 199). Dom. Ruinart, the last editor of Victor, has illustrated the whole subject with a copious and learned apparatus of notes and supplement (Paris, 1694). [Halm's ed. of Victor in *Mon. Germ. Hist.* has an excellent index. For Fulgentius of Ruspe, see Görres, Zeitschrift für wiss. Theologie, 1894, p. 500, *sqq.*]

[93] Victor, iv. 2, p. 65. Hunneric refuses the name of Catholics to the *Homousians*. He describes, as the veri Divinæ Majestatis cultores, his own party, who professed the faith, confirmed by more than a thousand bishops, in the synods of Rimini and Seleucia.

[94] Victor, ii. 1, p. 21, 22, *Laudabilior* . . . videbatur. In the Mss. which omit this word, the passage is unintelligible. See Ruinart, Not. p. 164.

[95] Victor, ii. 2, p. 22, 23. The clergy of Carthage called these conditions *periculosæ;* and they seem, indeed, to have been proposed as a snare to entrap the Catholic bishops.

[96] See the narrative of this conference and the treatment of the bishops in Victor, ii. 13-18, p. 35-42, and the whole fourth book, p. 63-171. The third book, p. 42-62, is entirely filled by their apology, or confession of faith.

ommand of Hunneric, four hundred and sixty-six orthodox ishops assembled at Carthage; but, when they were admitted nto the hall of audience, they had the mortification of beholding the Arian Cyrila exalted on the patriarchal throne. The isputants were separated, after the mutual and ordinary reroaches of noise and silence, of delay and precipitation, of ilitary force and of popular clamour. One martyr and one conessor were selected among the Catholic bishops; twenty-eight scaped by flight, and eighty-eight by conformity, forty-six were ent into Corsica to cut timber for the royal navy; and three undred and two were banished to the different parts of frica, exposed to the insults of their enemies, and carefully eprived of all the temporal and spiritual comforts of life.[97] he hardships of ten years' exile must have reduced their umbers; and, if they had complied with the law of Thrasiund, which prohibited any episcopal consecrations, the orthoox church of Africa must have expired with the lives of its ctual members. They disobeyed; and their disobedience was unished by a second exile of two hundred and twenty bishops into ardinia; where they languished fifteen years, till the accession f the gracious Hilderic.[98] The two islands were judiciously hosen by the malice of their Arian tyrants. Seneca, from his own xperience, has deplored and exaggerated the miserable state of orsica,[99] and the plenty of Sardinia was over-balanced by the nwholesome quality of the air.[100] III. The zeal of Genseric and is successors for the conversion of the Catholics must have rendered them still more jealous to guard the purity of the Vandal aith. Before the churches were finally shut, it was a crime to

[97] See the list of the African bishops, in Victor. p. 117-140, and Ruinart's notes, 215-397. The schismatic name of *Donatus* frequently occurs, and they appear have adopted (like our fanatics of the last age) the pious appellations of *eodatus*, *Deogratias*, *Quidvultdeus*, *Habetdeum*, &c. [See *Notitia* at end of alm's edition of Victor.]

[98] Fulgent. Vit. c. 16-29. Thrasimund affected the praise of moderation and arning; and Fulgentius addressed three books of controversy to the Arian tyrant, hom he styles *piissime Rex* (Biblioth. Maxim. Patrum, tom. ix. p. 41). Only xty bishops are mentioned as exiles in the life of Fulgentius; they are increased one hundred and twenty by Victor Tunnunensis, and Isidore; but the number of vo hundred and twenty is specified in the *Historia Miscella* and a short authentic ronicle of the times. See Ruinart, p. 570, 571.

[99] See the base and insipid epigrams of the Stoic, who could not support exile ith more fortitude than Ovid. Corsica might not produce corn, wine, or oil; but could not be destitute of grass, water, and even fire.

[100] Si ob gravitatem caeli interissent *vile* damnum. Tacit. Annal. ii. 85. In is application, Thrasimund would have adopted the reading of some critics, *utile* amnum.

appear in a Barbarian dress; and those who presumed to negle the royal mandate were rudely dragged backwards by their lon hair.[101] The Palatine officers who refused to profess the religio of their prince were ignominiously stripped of their honours an employments; banished to Sardinia and Sicily; or condemne to the servile labours of slaves and peasants in the field of Utic In the districts which had been peculiarly allotted to the Vanda the exercise of the Catholic worship was more strictly prohibite and severe penalties were denounced against the guilt both the missionary and the proselyte. By these arts, the faith of t Barbarians was preserved, and their zeal was inflamed; th discharged, with devout fury, the office of spies, informers, executioners; and, whenever their cavalry took the field, it w the favourite amusement of the march to defile the churches an to insult the clergy of the adverse faction.[102] IV. The citize who had been educated in the luxury of the Roman provin were delivered, with exquisite cruelty, to the Moors of the dese A venerable train of bishops, presbyters, and deacons, with faithful crowd of four thousand and ninety-six persons, who guilt is not precisely ascertained, were torn from their nati homes, by the command of Hunneric. During the nigh they were confined, like a herd of cattle, amidst their ow ordure; during the day, they pursued their march over the bur ing sands; and, if they fainted under the heat and fatigue, th were goaded or dragged along, till they expired in the hands their tormentors.[103] These unhappy exiles, when they reach the Moorish huts, might excite the compassion of a people, who native humanity was neither improved by reason nor corrupt by fanaticism; but, if they escaped the dangers, they were co demned to share the distress, of a savage life. V. It is incu bent on the authors of persecution previously to reflect, wheth they are determined to support it in the last extreme. Th excite the flame which they strive to extinguish; and it so becomes necessary to chastise the contumacy, as well as t crime, of the offender. The fine, which he is unable or unwilli to discharge, exposes his person to the severity of the law; a

[101] See these preludes of a *general* persecution, in Victor, ii. p. 3, 4, 7, and two edicts of Hunneric, l. ii. p. 35 [c. 13], l. iv. p. 64 [l. iii. c. 2, ed. Halm].

[102] See Procopius de Bell. Vandal. l. i. c. 7, p. 197, 198. A Moorish pri endeavoured to propitiate the God of the Christians by his diligence to eraze marks of the Vandal sacrilege.

[103] See this story in Victor, ii. 8-12, p. 30-34. Victor describes the distress these confessors as an eye-witness.

is contempt of lighter penalties suggests the use and propriety f capital punishment. Through the veil of fiction and declama- ion, we may clearly perceive that the Catholics, more especially nder the reign of Hunneric, endured the most cruel and gnominious treatment.[104] Respectable citizens, noble matrons, nd consecrated virgins were stripped naked, and raised in the ir by pullies, with a weight suspended at their feet. In this ainful attitude their naked bodies were torn with scourges, or urnt in the most tender parts with red-hot plates of iron. The mputation of the ears, the nose, the tongue, and the right hand vas inflicted by the Arians; and, although the precise number annot be defined, it is evident that many persons, among whom bishop[105] and a proconsul[106] may be named, were entitled to he crown of martyrdom. The same honour has been ascribed o the memory of count Sebastian, who professed the Nicene reed with unshaken constancy; and Genseric might detest, as n heretic, the brave and ambitious fugitive whom he dreaded s a rival.[107] VI. A new mode of conversion, which might sub- lue the feeble, and alarm the timorous, was employed by the Arian ministers. They imposed, by fraud or violence, the rites f baptism; and punished the apostacy of the Catholics, if they lisclaimed this odious and profane ceremony, which scandalously iolated the freedom of the will and the unity of the sacra- nent.[108] The hostile sects had formerly allowed the validity of ach other's baptism; and the innovation, so fiercely maintained y the Vandals, can be imputed only to the example and advice f the Donatists. VII. The Arian clergy surpassed, in religious ruelty, the king and his Vandals; but they were incapable of ultivating the spiritual vineyard which they were so desirous o possess. A patriarch[109] might seat himself on the throne of

[104] See the fifth book of Victor. His passionate complaints are confirmed by he sober testimony of Procopius and the public declaration of the emperor Jus- nian (Cod. l. i. tit. xxvii.).

[105] Victor, ii. 18, p. 41.

[106] Victor, v. 4, p. 74, 75 [iii. 27, ed. Halm]. His name was Victorianus, and e was a wealthy citizen of Adrumetum, who enjoyed the confidence of the king; y whose favour he had obtained the office, or at least the title, of proconsul of frica.

[107] Victor, i. 6, p. 8, 9. After relating the firm resistance and dexterous reply of ount Sebastian, he adds, quare [quem, Halm] alio [*leg.* alius] generis argumento ostea bellicosum virum occidit.

[108] Victor, v. 12, 13. Tillemont, Mém. Ecclés. tom. vi. p. 609.

[109] *Primate* was more properly the title of the bishop of Carthage; but the name *patriarch* was given by the sects and nations to their principal ecclesiastic. See homassin, Discipline de l'Eglise, tom. i. p. 155, 158.

Carthage; some bishops, in the principal cities, might usurp th place of their rivals; but the smallness of their numbers an their ignorance of the Latin language[110] disqualified the Ba barians for the ecclesiastical ministry of a great church; and th Africans, after the loss of their orthodox pastors, were deprive of the public exercise of Christianity. VIII. The emperors we the natural protectors of the Homoousian doctrine; and th faithful people of Africa, both as Romans and as Catholics, pre ferred their lawful sovereignty to the usurpation of the Barbarou heretics. During an interval of peace and friendship, Hunner restored the cathedral of Carthage, at the intercession of Zen who reigned in the East, and of Placidia, the daughter and reli of emperors, and the sister of the queen of the Vandals.[111] Bu this decent regard was of short duration; and the haught tyrant displayed his contempt for the religion of the Empi by studiously arranging the bloody images of persecution in a the principal streets through which the Roman ambassador mu pass in his way to the palace.[112] An oath was required from th bishops, who were assembled at Carthage, that they would su port the succession of his son Hilderic, and that they woul renounce all foreign or *transmarine* correspondence. This e gagement, consistent as it should seem with their moral an religious duties, was refused by the more sagacious members[1] of the assembly. Their refusal, faintly coloured by the pretenc that it is unlawful for a Christian to swear, must provoke th suspicions of a jealous tyrant.

Catholic frauds

The Catholics, oppressed by royal and military force, were f superior to their adversaries in numbers and learning. With th same weapons which the Greek[114] and Latin fathers had alread

[110] The patriarch Cyrila himself publicly declared that he did not understa Latin (Victor, ii. 18, p. 42); Nescio Latine; and he might converse with toleral ease, without being capable of disputing or preaching in that language. F Vandal clergy were still more ignorant; and small confidence could be placed the Africans, who had conformed.

[111] Victor, ii. 1, 2, p. 22.

[112] Victor, v. 7, p. 77. He appeals to the ambassador himself, whose name w Uranius.

[113] *Astutiores*, Victor, iv. 4, p. 70. He plainly intimates that their quotation the Gospel, "Non jurabitis in toto," was only meant to elude the obligation of inconvenient oath. The forty-six bishops who refused were banished to Corsic the three hundred and two who swore were distributed through the provinces Africa.

[114] Fulgentius, bishop of Ruspæ, in the Byzacene province, was of a senator family, and had received a liberal education. He could repeat all Homer a Menander before he was allowed to study Latin, his native tongue (Vit. Fulge c. 1). Many African bishops might understand Greek, and many Greek theologia were translated into Latin.

rovided for the Arian controversy, they repeatedly silenced, or nquished, the fierce and illiterate successors of Ulphilas. The nsciousness of their own superiority might have raised them ove the arts and passions of religious warfare. Yet, instead of suming such honourable pride, the orthodox theologians were mpted, by the assurance of impunity, to compose fictions, hich must be stigmatized with the epithets of fraud and rgery. They ascribed their own polemical works to the most enerable names of Christian antiquity; the characters of Atha-asius and Augustin were awkwardly personated by Vigilius and is disciples;[115] and the famous creed which so clearly expounds ie mysteries of the Trinity and the Incarnation is deduced, with rong probability, from this African school.[116] Even the scrip-ures themselves were profaned by their rash and sacrilegious ands. The memorable text which asserts the unity of the HREE who bear witness in heaven[117] is condemned by the niversal silence of the orthodox fathers, ancient versions, and uthentic manuscripts.[118] It was first alleged by the Catholic shops whom Hunneric summoned to the conference of Car-nage.[119] An allegorical interpretation, in the form, perhaps,

[115] Compare the two prefaces to the Dialogue of Vigilius of Thapsus (p. 118, 9, edit. Chiflet). He might amuse his learned reader with an innocent fiction; ut the subject was too grave, and the Africans were too ignorant.

[116] The P. Quesnel started this opinion, which has been favourably received. ut the three following truths, however surprising they may seem, are *now* uni-rsally acknowledged (Gerard Vossius, tom. vi. p. 516-522. Tillemont, Mém. cclés. tom. viii. p. 667-671). 1. St. Athanasius is not the author of the creed hich is so frequently read in our churches. 2. It does not appear to have existed, thin a century after his death. 3. It was originally composed in the Latin tongue, d, consequently, in the Western provinces. Gennadius, patriarch of Constanti-ple, was so much amazed by this extraordinary composition that he frankly pro-unced it to be the work of a drunken man. Petav. Dogmat. Theologica, tom. l. vii. c. 8, p. 687.

[117] 1 John, v. 7. See Simon, Hist. Critique du Nouveau Testament, part i. c. iii. p. 203-218, and part ii. c. ix. p. 99-121, and the elaborate Prolegomena and notations of Dr. Mill and Wetstein to their editions of the Greek Testament. 1689, the papist Simon strove to be free; in 1707, the protestant Mill wished to a slave; in 1751, the Arminian Wetstein used the liberty of his times, and of his ct. [The text is now universally rejected by critical scholars; and it has been recently 897) accepted as authentic by the Vatican. The question is accordingly settled.]

[118] Of *all* the Mss. now extant, above fourscore in number, some of which are ore than 1200 years old (Wetstein ad loc.). The *orthodox* copies of the Vatican, the Complutensian editors, of Robert Stephens, are become invisible; and the o Mss. of Dublin and Berlin are unworthy to form an exception. See Emlyn's orks, vol. ii. p. 227-255, 269-299; and M. de Missy's four ingenious letters, in m. viii. and ix. of the Journal Britannique. [The text did not appear in Jerome's tin version.]

[119] Or, more properly, by the *four* bishops who composed and published the pro-ssion of faith in the name of their brethren. They style this text, luce clarius ictor Vitensis de Persecut. Vandal, l. iii. c. 11, p. 54). It is quoted soon after-rds by the African polemics, Vigilius and Fulgentius.

of a marginal note, invaded the text of the Latin Bibles, whi
were renewed and corrected in a dark period of ten centuries.[120]
After the invention of printing,[121] the editors of the Gre
Testament yielded to their own prejudices, or those of t
times;[122] and the pious fraud, which was embraced with equ
zeal at Rome and at Geneva, has been infinitely multiplied
every country and every language of modern Europe.

and miracles

The example of fraud must excite suspicion; and the specio
miracles by which the African Catholics have defended the tru
and justice of their cause may be ascribed, with more reason,
their own industry than to the visible protection of Heave
Yet the historian, who views this religious conflict with
impartial eye, may condescend to mention *one* preternatur
event which will edify the devout and surprise the incredulou
Tipasa,[123] a maritime colony of Mauritania, sixteen miles to t
east of Cæsarea, had been distinguished, in every age, by t
orthodox zeal of its inhabitants. They had braved the fury
the Donatists;[124] they resisted, or eluded, the tyranny of t
Arians. The town was deserted on the approach of an heretic
bishop: most of the inhabitants who could procure ships passe
over to the coast of Spain; and the unhappy remnant, refusi
all communion with the usurper, still presumed to hold the
pious, but illegal, assemblies. Their disobedience exasperate
the cruelty of Hunneric. A military count was dispatched fro
Carthage to Tipasa; he collected the Catholics in the Forur

[120] In the eleventh and twelfth centuries, the Bibles were corrected by Lanfra
archbishop of Canterbury, and by Nicolas, a cardinal and librarian of the Rom
church, secundum orthodoxam fidem (Wetstein, Prolegom. p. 84, 85). Notwi
standing these corrections, the passage is still wanting in twenty-five Latin M
(Wetstein ad loc.), the oldest and the fairest; two qualities seldom united, exc
in manuscripts.

[121] The art which the Germans had invented was applied in Italy to the profa
writers of Rome and Greece. The original Greek of the New Testament was p
lished about the same time (A.D. 1514, 1516, 1520) by the industry of Erasmus a
the munificence of cardinal Ximenes. The Complutensian Polyglot cost the cardi
50,000 ducats. See Mattaire, Annal. Typograph. tom. ii. p. 2-8, 125-133; a
Wetstein, Prolegomena, p. 116-127.

[122] The three witnesses have been established in our Greek Testaments by
prudence of Erasmus; the honest bigotry of the Complutensian editors; the ty
graphical fraud, or error, of Robert Stephens in the placing a crotchet; and
deliberate falsehood, or strange misapprehension, of Theodore Beza.

[123] Plin. Hist. Natural. v. 1. Itinerar. Wesseling, p. 15. Cellarius, Geogra
Antiq. tom. ii. part ii. p. 127. This Tipasa (which must not be confounded w
another in Numidia) was a town of some note, since Vespasian endowed it w
the right of Latium.

[124] Optatus Milevitanus de Schism. Donatist. l. ii. p. 38.

d, in the presence of the whole province, deprived the guilty their right hands and their tongues. But the holy confessors ntinued to speak without tongues; and this miracle is attested Victor, an African bishop, who published an history of the rsecution within two years after the event.[125] "If any one," [A.D. 486-7] ys Victor, "should doubt of the truth, let him repair to Con- antinople, and listen to the clear and perfect language of estitutus, the subdeacon, one of these glorious sufferers, who now lodged in the palace of the emperor Zeno, and is respected the devout empress." At Constantinople we are astonished find a cool, a learned, an unexceptionable witness, without terest, and without passion. Æneas of Gaza, a Platonic philo- pher, has accurately described his own observations on these frican sufferers. "I saw them myself: I heard them speak: [A.D. 487] diligently enquired by what means such an articulate voice uld be formed without any organ of speech: I used my eyes examine the report of my ears: I opened their mouth, and w that the whole tongue had been completely torn away by e roots, an operation which the physicians generally suppose be mortal."[126] The testimony of Æneas of Gaza might be nfirmed by the superfluous evidence of the emperor Justinian, a perpetual edict; of count Marcellinus, in his Chronicle of e times; and of Pope Gregory I., who had resided at Con- antinople, as the minister of the Roman pontiff.[127] They all ved within the compass of a century; and they all appeal to eir personal knowledge, or the public notoriety, for the truth a miracle which was repeated in several instances, displayed the greatest theatre of the world, and submitted, during a ries of years, to the calm examination of the senses. This

[125] Victor Vitensis, v. 6, p. 76. Ruinart, p. 483-487.

[126] Æneas Gazæus in Theophrasto, in Biblioth. Patrum. tom. viii. p. 664, 665. e was a Christian, and composed this Dialogue (the Theophrastus) on the im- rtality of the soul and the resurrection of the body; besides twenty-five Epistles, l extant. See Cave (Hist. Litteraria, p. 297) and Fabricius (Bibl. Græc. tom. i. 422). [The date of the composition of the *Theophrastus* was A.D. 487.]

[127] Justinian, Codex, l. i. tit. xxvii. [1]. Marcellin. in Chron. p. 45, in Thesaur. mporum Scaliger [ad. ann. 484; ed. Mommsen, p. 93]. Procopius, de Bell. ndal. l. i. c. 7, p. 196. Gregor. Magnus. Dialog. iii. 32. None of these wit- sses have specified the number of the confessors, which is fixed at sixty in an old nology (apud Ruinart, p. 486). Two of them lost their speech by fornication; t the miracle is enhanced by the singular instance of a boy who had *never* spoken fore his tongue was cut out. [The miracle of Tipasa has been recently defended the Jesuit Count Paul von Hoensbroech (1889), but the evidence has been criticised d rejected by Görres in the Zeitschrift für wissenschaftliche Theologie, 36, p. 494 ., 1894. It is amusing to observe that Görres imagines that Gibbon, for once edulous, accepts the miracle of Tipasa!]

supernatural gift of the African confessors, who spoke withc tongues, will command the assent of those, and of those on who already believe that their language was pure and orthodc But the stubborn mind of an infidel is guarded by secret incu able suspicion; and the Arian, or Socinian, who has serious rejected the doctrine of the Trinity, will not be shaken by t most plausible evidence of an Athanasian miracle.

The ruin of Arianism among the Barbarians. A.D. 500-700

The Vandals and the Ostrogoths persevered in the professi of Arianism till the final ruin of the kingdoms which they h founded in Africa and Italy. The Barbarians of Gaul submitt to the orthodox dominion of the Franks; and Spain was restor to the Catholic church by the voluntary conversion of the Vi goths.

Revolt and martyrdom of Hermenegild in Spain. A.D. 577-584

This salutary revolution[128] was hastened by the example of royal martyr, whom our calmer reason may style an ungratef rebel. Leovigild, the Gothic monarch of Spain, deserved t respect of his enemies, and the love of his subjects: the Catholi enjoyed a free toleration, and his Arian synods attempte without much success, to reconcile their scruples by abolishi the unpopular rite of a *second* baptism. His eldest son He menegild, who was invested by his father with the royal diade and the fair principality of Bætica, contracted an honourab and orthodox alliance with a Merovingian princess, the daught of Sigibert, king of Austrasia, and of the famous Brunechil The beauteous Ingundis, who was no more than thirteen yea of age, was received, beloved, and persecuted in the Arian cou of Toledo; and her religious constancy was alternately assault with blandishments and violence by Goisvintha, the Goth queen, who abused the double claim of maternal authority. Incensed by her resistance, Goisvintha seized the Catho princess by her long hair, inhumanly dashed her against t ground, kicked her till she was covered with blood, and last gave orders that she should be stripped, and thrown in a bason, or fish-pond.[130] Love and honour might excite H

[128] See the two general historians of Spain, Mariana (Hist. de Rebus Hispan tom. i. l. v. c. 12-15, p. 182-194) and Ferreras (French translation, tom. ii. p. 2 247). Mariana almost forgets that he is a Jesuit, to assume the style and spiri a Roman classic. Ferreras, an industrious compiler, reviews his facts and recti his chronology.

[129] Goisvintha successively married two kings of the Visigoths: Athanagild whom she bore Brunechild, the mother of Ingundis; and Leovigild, whose sons, Hermenegild and Recared, were the issue of a former marriage.

[130] Iracundiæ furore succensa, adprehensam per comam capitis puellam in terr conlidit, et diu calcibus verberatam, ac sanguine cruentatam, jussit exspoliari piscinæ immergi. Greg. Turon. l. v. c. 39, in tom. ii. p. 255. Gregory is on our best originals for this portion of history.

enegild to resent this injurious treatment of his bride; and he is gradually persuaded that Ingundis suffered for the cause of vine truth. Her tender complaints and the weighty arguments Leander, archbishop of Seville, accomplished his conversion; id the heir of the Gothic monarchy was initiated in the Nicene ith by the solemn rights of confirmation.[131] The rash youth, flamed by zeal, and perhaps by ambition, was tempted to olate the duties of a son, and a subject; and the Catholics of pain, although they could not complain of persecution, ap- auded his pious rebellion against an heretical father. The vil war was protracted by the long and obstinate sieges of erida, Cordova, and Seville, which had strenuously espoused ie party of Hermenegild. He invited the orthodox Barbarians, ie Suevi, and the Franks, to the destruction of his native land; e solicited the dangerous aid of the Romans, who possessed frica and a part of the Spanish coast; and his holy ambassador, ie archbishop Leander, effectually negotiated in person with ie Byzantine court. But the hopes of the Catholics were ushed by the active diligence of a monarch who commanded ie troops and treasures of Spain; and the guilty Hermenegild, ter his vain attempts to resist or to escape, was compelled to rrender himself into the hands of an incensed father. Leovi- ld was still mindful of that sacred character; and the rebel, espoiled of the regal ornaments, was still permitted, in a decent xile, to profess the Catholic religion. His repeated and unsuc- essful treasons at length provoked the indignation of the Gothic ing; and the sentence of death, which he pronounced with pparent reluctance, was privately executed in the tower of eville.[132] The inflexible constancy with which he refused to ccept the Arian communion, as the price of his safety, may xcuse the honours that have been paid to the memory of St. ermenegild. His wife and infant son were detained by the omans in ignominious captivity; and this domestic misfortune rnished the glories of Leovigild, and embittered the last oments of his life.

Conversion of Recared and the Visigoths of Spain. A.D. 586-589

His son and successor, Recared, the first Catholic king of pain, had imbibed the faith of his unfortunate brother, which

[131] The Catholics who admitted the baptism of heretics repeated the rite, or, as was afterwards styled, the sacrament, of confirmation, to which they ascribed ny mystic and marvellous prerogatives, both visible and invisible. See Chardon, st. des Sacrémens, tom. i. p. 405-552.

[132] [Hermenigild was besieged in Seville, captured in Cordova, and executed in rragona; see John of Biclarum, ed. Mommsen, Chron. Min. ii. p. 217; and one s. of Isidore, ib., p. 287.]

he supported with more prudence and success. Instead of revolting against his father, Recared patiently expected the hour of his death. Instead of condemning his memory, he piously supposed that the dying monarch had abjured the errors of Arianism and recommended to his son the conversion of the Gothic nation. To accomplish that salutary end, Recared convened an assembly of the Arian clergy and nobles, declared himself a Catholic, and exhorted them to imitate the example of their prince. The laborious interpretation of doubtful texts, or the curious pursuit of metaphysical arguments, would have excited an endless controversy; and the monarch discreetly proposed to his illiterate audience two substantial and visible arguments, the testimony of Earth and of Heaven. The *Earth* had submitted to the Nicene synod: the Romans, the Barbarians, and the inhabitants of Spain, unanimously professed the same orthodox creed; and the Visigoths resisted, almost alone, the consent of the Christian world. A superstitious age was prepared to reverence, as the testimony of *Heaven*, the preternatural cures, which were performed by the skill or virtue of the Catholic clergy; the baptismal fonts of Osset in Bætica,[133] which were spontaneously replenished each year on the vigil of Easter;[134] and the miraculous shrine of St. Martin of Tours, which had already converted the Suevic prince and people of Gallicia.[135] The Catholic king encountered some difficulties on this important change of the national religion. A conspiracy, secretly fomented by the queen-dowager, was formed against his life; and two counts excited a dangerous revolt in the Narbonnese Gaul. But Recared disarmed the conspirators, defeated the rebels, and executed severe justice; which the Arians, in their turn, might brand with the reproach of persecution. Eight bishops, whose names betray their Barbaric origin, abjured their errors; and all the books of Arian theology were reduced to ashes, with the

[133] Osset, or Julia Constantia, was opposite to Seville, on the northern side of the Bætis (Plin. Hist. Natur. iii. 3); and the authentic reference of Gregory of Tours (Hist. Francor. l. vi. c. 43, p. 288) deserves more credit than the name of Lusitania (de Gloriâ Martyr. c. 24) which has been eagerly embraced by the vain and superstitious Portuguese (Ferreras, Hist. d'Espagne, tom. ii. p. 166).

[134] This miracle was skilfully performed. An Arian king sealed the doors, and dug a deep trench round the church, without being able to intercept the Easter supply of baptismal water.

[135] Ferreras (tom. ii. p. 168-175, A.D. 550) has illustrated the difficulties which regard the time and circumstances of the conversion of the Suevi. They had been recently united by Leovigild to the Gothic monarchy of Spain. [F. Görres, Kirche und Staat im spanischen Suevenreiche, in Zeitsch. f. Wiss. Theologie, 36, 2, 1893, p. 542 *sqq.*]

house in which they had been purposely collected. The whole body of the Visigoths and Suevi were allured or driven into the pale of the Catholic communion; the faith, at least of the rising generation, was fervent and sincere; and the devout liberality of the Barbarians enriched the churches and monasteries of Spain. Seventy bishops, assembled in the council of Toledo, received the submission of their conquerors; and the zeal of the Spaniards improved the Nicene creed, by declaring the procession of the Holy Ghost from the Son, as well as from the Father: a weighty point of doctrine, which produced, long afterwards, the schism of the Greek and Latin Churches.[136] The royal proselyte immediately saluted and consulted pope Gregory, surnamed the Great, a learned and holy prelate, whose reign was distinguished by the conversion of heretics and infidels. The ambassadors of Recared respectfully offered on the threshold of the Vatican his rich presents of gold and gems; they accepted, as a lucrative exchange, the hairs of St. John the Baptist, a cross which inclosed a small piece ot the true wood, and a key that contained some particles of iron which had been scraped from the chains of St. Peter.[137]

Conversion of the Lombards of Italy. A.D. 600, &c.

The same Gregory, the spiritual conqueror of Britain, encouraged the pious Theodelinda, queen of the Lombards, to propagate the Nicene faith among the victorious savages, whose recent Christianity was polluted by the Arian heresy. Her devout labours still left room for the industry and success of future missionaries; and many cities of Italy were still disputed by hostile bishops. But the cause of Arianism was gradually suppressed by the weight of truth, of interest, and of example; and the controversy, which Egypt had derived from the Platonic school, was terminated, after a war of three hundred years, by the final conversion of the Lombards of Italy.[138]

Persecution of the Jews in Spain. A.D. 612-712

The first missionaries who preached the gospel to the Barbarians appealed to the evidence of reason, and claimed the benefit of toleration.[139] But no sooner had they established their

[136] This addition to the Nicene, or rather the Constantinopolitan, creed was first made in the eighth council of Toledo, A.D. 653; but it was expressive of the popular doctrine (Gerard Vossius, tom. xi. p. 527, de tribus Symbolis).

[137] See Gregor. Magn. l. vii. epist. 126, apud Baronium, Annal. Eccles. A.D. 599, No. 25, 26, ix. 122 [vol. ii. p. 1031, ed. Bened.].

[138] Paul Warnefrid (de Gestis Langobard. l. iv. c. 44, p. 853, edit. Grot.) allows that Arianism still prevailed under the reign of Rotharis (A.D. 636-652). The pious Deacon does not attempt to mark the precise æra of the national conversion, which was accomplished, however, before the end of the seventh century.

[139] Quorum fidei et conversioni ita congratulatus esse rex perhibetur, ut nullum tamen cogeret ad Christianismum. . . . Didicerat enim a doctoribus auctoribusque suæ salutis, servitium Christi voluntarium non coactitium esse debere. Bedæ Hist. Ecclesiastic. l. i. c. 26, p. 62, edit. Smith.

spiritual dominion than they exhorted the Christian kings to extirpate, without mercy, the remains of Roman or Barbaric superstition. The successors of Clovis inflicted one hundred lashes on the peasants who refused to destroy their idols; the crime of sacrificing to the dæmons was punished by the Anglo-Saxon laws with the heavier penalties of imprisonment and confiscation; and even the wise Alfred adopted, as an indispensable duty, the extreme rigour of the Mosaic institutions.[140] But the punishment, and the crime, were gradually abolished among a Christian people; the theological disputes of the schools were suspended by propitious ignorance; and the intolerant spirit, which could find neither idolaters nor heretics, was reduced to the persecution of the Jews. That exiled nation had founded some synagogues in the cities of Gaul; but Spain, since the time of Hadrian, was filled with their numerous colonies.[141] The wealth which they accumulated by trade, and the management of the finances, invited the pious avarice of their masters; and they might be oppressed without danger, as they had lost the use, and even the remembrance, of arms. Sisebut, a Gothic king, who reigned in the beginning of the seventh century, proceeded at once to the last extremes of persecution.[142] Ninety thousand Jews were compelled to receive the sacrament of baptism; the fortunes of the obstinate infidels were confiscated, their bodies were tortured; and it seems doubtful whether they were permitted to abandon their native country. The excessive zeal of the Catholic king was moderated, even by the clergy of Spain, who solemnly pronounced an inconsistent sentence: *that* the sacraments should not be forcibly imposed; but *that* the Jews who had been baptized should be constrained, for the honour of the church, to persevere in the external practice of a religion which they disbelieved and detested. Their frequent relapses provoked one of the successors of Sisebut to banish the

[140] See the Historians of France, tom. iv. p. 114; and Wilkins, Leges Anglo-Saxonicæ, p. 11, 31. Siquis sacrificium immolaverit præter Deo soli morte moriatur.

[141] The Jews pretend that they were introduced into Spain by the fleets of Solomon and the arms of Nebuchadnezzar; that Hadrian transported forty thousand families of the tribe of Judah, and ten thousand of the tribe of Benjamin, &c. Basnage, Hist. des Juifs, tom. vii. c. 9, p. 240-256.

[142] Isidore, at that time archbishop of Seville, mentions, disapproves, and congratulates the zeal of Sisebut (Chron. Goth. p. 728 [c. 61; p. 291, in Chron. Min. vol. ii.]). Baronius (A.D. 614, No. 41) assigns the number on the evidence of Aimoin (l. iv. c. 22); but the evidence is weak, and I have not been able to verify the quotation (Historians of France, tom. iii. p. 127 [p. 110]). [The passage in Aimoin concerns the persecution of Gaul, not of Spain.]

whole nation from his dominions; and a council of Toledo published a decree that every Gothic king should swear to maintain this salutary edict. But the tyrants were unwilling to dismiss the victims, whom they delighted to torture, or to deprive themselves of the industrious slaves, over whom they might exercise a lucrative oppression. The Jews still continued in Spain, under the weight of the civil and ecclesiastical laws, which in the same country have been faithfully transcribed in the Code of the Inquisition. The Gothic kings and bishops at length discovered that injuries will produce hatred and that hatred will find the opportunity of revenge. A nation, the secret or professed enemies of Christianity, still multiplied in servitude and distress; and the intrigues of the Jews promoted the rapid success of the Arabian conquerors.[143]

Conclusion

As soon as the Barbarians withdrew their powerful support, the unpopular heresy of Arius sunk into contempt and oblivion. But the Greeks still retained their subtle and loquacious disposition; the establishment of an obscure doctrine suggested new questions and new disputes; and it was always in the power of an ambitious prelate, or a fanatic monk, to violate the peace of the church, and, perhaps, of the empire. The historian of the empire may overlook those disputes which were confined to the obscurity of schools and synods. The Manichæans, who laboured to reconcile the religions of Christ and of Zoroaster, had secretly introduced themselves into the provinces; but these foreign sectaries were involved in the common disgrace of the Gnostics, and the Imperial laws were executed by the public hatred. The rational opinions of the Pelagians were propagated from Britain to Rome, Africa and Palestine, and silently expired in a superstitious age. But the East was distracted by the Nestorian and Eutychian controversies; which attempted to explain the mystery of the incarnation, and hastened the ruin of Christianity in her native land. These controversies were first agitated under the reign of the younger Theodosius; but their important consequences extend far beyond the limits of the present volume. The metaphysical chain of argument, the contests of ecclesiastical ambition, and their political influence on the decline of the Byzantine empire, may afford an interesting and instructive series of history, from the general councils of Ephesus and Chalcedon to the conquest of the East by the successors of Mahomet.

[143] Basnage (tom. viii. c. 13, p. 388-400) faithfully represents the state of the Jews; but he might have added from the canons of the Spanish councils and the laws of the Visigoths many curious circumstances, essential to his subject, though they are foreign to mine.

CHAPTER XXXVIII

Reign and Conversion of Clovis—His Victories over the Alemanni Burgundians, and Visigoths—Establishment of the French Monarchy in Gaul—Laws of the Barbarians—State of the Romans—The Visigoths of Spain—Conquest of Britain by the Saxons

The revolution of Gaul

THE Gauls,[1] who impatiently supported the Roman yoke, receive a memorable lesson from one of the lieutenants of Vespasian whose weighty sense has been refined and expressed by the genius of Tacitus.[2] "The protection of the republic has delivered Gaul from internal discord and foreign invasions. B the loss of national independence, you have acquired the nam and privileges of Roman citizens. You enjoy, in common wit ourselves, the permanent benefits of civil government; and you remote situation is less exposed to the accidental mischiefs tyranny. Instead of exercising the rights of conquest, we hav been contented to impose such tributes as are requisite for you own preservation. Peace cannot be secured without armies and armies must be supported at the expense of the people. is for your sake, not for our own, that we guard the barrier the Rhine against the ferocious Germans, who have so ofte attempted, and who will always desire, to exchange the solitud of their woods and morasses for the wealth and fertility of Gau The fall of Rome would be fatal to the provinces; and yo would be buried in the ruins of that mighty fabric which ha been raised by the valour and wisdom of eight hundred year Your imaginary freedom would be insulted and oppressed by

[1] In this chapter I shall draw my quotations from the Recueil des Historie des Gaules et de la France, Paris, 1738-1767, in eleven volumes in folio. By t labour of Dom Bouquet and the other Benedictines, all the original testimoni as far as A.D. 1060, are disposed in Chronological order and illustrated wi learned notes. Such a national work, which will be continued to the year 150 might provoke our emulation. [For Gregory of Tours, &c., see Appendix 1.]

[2] Tacit. Hist. iv. 73, 74, in tom. i. p. 445. To abridge Tacitus would indeed presumptuous! but I may select the general ideas which he applies to the prese state and future revolutions of Gaul.

avage master; and the expulsion of the Romans would be
cceeded by the eternal hostilities of the Barbarian conquerors." [3]
his salutary advice was accepted, and this strange prediction
as accomplished. In the space of four hundred years, the
ardy Gauls, who had encountered the arms of Cæsar, were
nperceptibly melted into the general mass of citizens and
ubjects; the Western empire was dissolved; and the Germans,
ho had passed the Rhine, fiercely contended for the possession
f Gaul, and excited the contempt or abhorrence of its peaceful
nd polished inhabitants. With that conscious pride which the
re-eminence of knowledge and luxury seldom fails to inspire,
ney derided the hairy and gigantic savages of the north,—their
ustic manners, dissonant joy, voracious appetite, and their
orrid appearance, equally disgusting to the sight and to the
nell. The liberal studies were still cultivated in the schools of
utun and Bordeaux; and the language of Cicero and Virgil
as familiar to the Gallic youth. Their ears were astonished by
ne harsh and unknown sounds of the Germanic dialect, and
ney ingeniously lamented that the trembling muses fled from
ne harmony of a Burgundian lyre. The Gauls were endowed
ith all the advantages of art and nature; but, as they wanted
ourage to defend them, they were justly condemned to obey,
nd even to flatter, the victorious Barbarians, by whose clemency
ney held their precarious fortunes and their lives.[4]

Euric, king of the Visigoths. A.D. 476-485

As soon as Odoacer had extinguished the Western empire, he
ought the friendship of the most powerful of the Barbarians.
he new sovereign of Italy resigned to Euric, king of the Visi-
oths, all the Roman conquests beyond the Alps, as far as the
hine and the Ocean;[5] and the senate might confirm this
beral gift with some ostentation of power, and without any real
ss of revenue or dominion. The lawful pretensions of Euric
ere justified by ambition and success; and the Gothic nation
ight aspire, under his command, to the monarchy of Spain and

[3] Eadem semper causa Germanis transcendendi in Gallias libido atque avaritia mutandæ sedis amor; ut, relictis paludibus et solitudinibus suis, fecundissimum c solum vosque ipsos possiderent. . . . Nam pulsis Romanis quid aliud quam lla omnium inter se gentium exsistent?

[4] Sidonius Apollinaris ridicules, with affected wit and pleasantry, the hardships his situation (Carm. xii. in tom. i. p. 811).

[5] See Procopius de Bell. Gothico, l. i. c. 12, in tom. ii. p. 31. The character of otius inclines me to believe that he has not substituted the Rhine for the Rhone ist. Gothorum, p. 175) without the authority of some Ms. [The best Mss. have δανοῦ, but several inferior Mss. have ἠριδανοῦ, which probably suggested to Gro- us his guess Ῥηνοῦ.]

Gaul. Arles and Marseilles surrendered to his arms; he o
pressed the freedom of Auvergne; and the bishop condescende
to purchase his recall from exile by a tribute of just, but reluctan
praise. Sidonius waited before the gates of the palace among
crowd of ambassadors and suppliants; and their various busine
at the court of Bordeaux attested the power and the renown
the king of the Visigoths. The Heruli of the distant ocea
who painted their naked bodies with its cærulean colour, in
plored his protection; and the Saxons respected the maritim
provinces of a prince who was destitute of any naval force. Th
tall Burgundians submitted to his authority; nor did he resto
the captive Franks, till he had imposed on that fierce nation th
terms of an unequal peace. The Vandals of Africa cultivate
his useful friendship; and the Ostrogoths of Pannonia we
supported by his powerful aid against the oppression of th
neighbouring Huns. The North (such are the lofty strains
the poet) was agitated, or appeased, by the nod of Euric; th
great king of Persia consulted the oracle of the West; and th
aged god of the Tiber was protected by the swelling genius
the Garonne.[6] The fortune of nations has often depended c
accidents; and France may ascribe her greatness to the pr
mature death of the Gothic king, at a time when his son Alar
was an helpless infant, and his adversary Clovis[7] an ambitiou
and valiant youth.

Clovis, king of the Franks. A.D. 481-512

While Childeric, the father of Clovis, lived an exile in Ge
many, he was hospitably entertained by the queen as well
by the king of the Thuringians. After his restoration, Basin
escaped from her husband's bed to the arms of her lover; freel
declaring that, if she had known a man wiser, stronger, or mo
beautiful than Childeric, that man should have been the obje
of her preference.[8] Clovis was the offspring of this voluntar

[6] Sidonius, l. viii. epist. 3, 9, in tom. i. p. 800. Jornandes (de Rebus Geticis, 47, p. 680) justifies, in some measure, this portrait of the Gothic hero.

[7] I use the familiar appellation of *Clovis*, from the Latin *Chlodovechus*, *Chlodovaeus*. But the *Ch* expresses only the German aspiration; and the true nam is not different from *Luduin*, or *Lewis* (Mém. de l'Académie des Inscriptions, tom xx. p. 68).

[8] Greg. Turon. l. ii. c. 12, in tom. i. p. 168. Basina speaks the language Nature: Franks, who had seen her in their youth, might converse with Gregory their old age; and the bishop of Tours could not wish to defame the mother of t first Christian king. [The story told by Gregory will not sustain criticism and h all the look of being derived from a popular song on the birth of Chlodwig. O of the most striking improbabilities in it is that on expelling Childeric the Fran elected Ægidius as their king. See Junghans, Hist. crit. des règnes de Childeri et de Chlodovech (trans. by G. Monod), p. 8-9. The differences between t

nion ; and, when he was no more than fifteen years of age, he ıcceeded, by his father's death, to the command of the Salian ribe. The narrow limits of his kingdom[9] were confined to the land of the Batavians, with the ancient dioceses of Tournay nd Arras ;[10] and, at the baptism of Clovis, the number of his arriors could not exceed five thousand. The kindred tribes of ne Franks, who had seated themselves along the Belgic rivers, he Scheld, the Meuse, the Moselle, and the Rhine, were overned by their independent kings of the Merovingian race ; [Gau-könige] he equals, the allies, and sometimes the enemies, of the Salic rince.[11] But the Germans, who obeyed, in peace, the heredi- ary jurisdiction of their chiefs, were free to follow the standard f a popular and victorious general ; and the superior merit of lovis attracted the respect and allegiance of the national con- ederacy. When he first took the field, he had neither gold and ilver in his coffers, nor wine and corn in his magazines ;[12] but e imitated the example of Cæsar, who, in the same country, had cquired wealth by the sword and purchased soldiers with the ruits of conquest. After each successful battle or expedition, he spoils were accumulated in one common mass ; every warrior eceived his proportionable share, and the royal prerogative ubmitted to the equal regulations of military law. The untamed pirit of the Barbarians was taught to acknowledge the advan- ages of regular discipline.[13] At the annual review of the month f March, their arms were diligently inspected ; and, when they

ccount of Gregory and those of the later sources (Gesta regum Francorum, and listoria epitomata of Fredegarius) are unimportant. But there is no reason to call question the name of Chlodwig's mother—*Basina ;* and we may admit that a ing named *Bisinus* may have reigned over the Thuringians in the days of Childeric ; r we find Bisinus afterwards as a name of Thuringian monarchs.]

[9] The Abbé Dubos (Hist. Critique de l'Etablissement de la Monarchie François ans les Gaules, tom. i. p. 630-650) has the merit of defining the primitive kingdom f Clovis, and of ascertaining the genuine number of his subjects.

[10] Ecclesiam incultam ac negligentiâ civium Paganorum prætermissam, veprium ensitate oppletam, &c. Vit. Vedasti, in tom. iii. p. 372. This description supposes iat Arras was possessed by the Pagans, many years before the baptism of Clovis.

[11] [It has been conjectured that the dominions of Chlodwig, Ragnachar (whose esidence was at Cambrai, Greg. 2, 42), and Chararich, corresponded respectively o Brabant, Hainault, and Flanders ; Junghans, op. cit. p. 21.]

[12] Gregory of Tours (l. v. c. 1, in tom. ii. p. 232) contrasts the poverty of Clovis ith the wealth of his grandsons. Yet Remigius (in tom. iv. p. 52) mentions his *aternas opes*, as sufficient for the redemption of captives.

[13] See Gregory (l. ii. c. 27, 37, in tom. ii. p. 175, 181, 182). The famous story f the vase of Soissons explains both the power and the character of Clovis. As a oint of controversy, it has been strangely tortured by Boulainvilliers, Dubos, and ie other political antiquarians.

traversed a peaceful territory, they were prohibited from touchi a blade of grass. The justice of Clovis was inexorable; and careless or disobedient soldiers were punished with instant dea It would be superfluous to praise the valour of a Frank; but t valour of Clovis was directed by cool and consummate prudence In all his transactions with mankind, he calculated the weight interest, of passion and of opinion; and his measures were son times adapted to the sanguinary manners of the Germans, a sometimes moderated by the milder genius of Rome and Chr tianity. He was intercepted in the career of victory, since died in the forty-fifth year of his age; but he had already a complished, in a reign of thirty years, the establishment of t French monarchy in Gaul.

His victory over Syagrius. A.D. 486.

The first exploit of Clovis was the defeat of Syagrius, the s of Ægidius; and the public quarrel might, on this occasion, inflamed by private resentment. The glory of the father s insulted the Merovingian race; the power of the son mig excite the jealous ambition of the king of the Franks. Syagr inherited, as a patrimonial estate, the city and diocese of So sons, the desolate remnant of the second Belgic, Rheims a Troyes, Beauvais and Amiens, would naturally submit to t count or patrician;[15] and after the dissolution of the Weste empire he might reign with the title, or at least with the aut rity, of king of the Romans.[16] As a Roman, he had be educated in the liberal studies of rhetoric and jurisprudenc but he was engaged by accident and policy in the familiar use the Germanic idiom. The independent Barbarians resorted

[14] The Duke of Nivernois, a noble statesman, who has managed weighty a delicate negotiations, ingeniously illustrates (Mém. de l'Acad. des Inscriptions, t xx. p. 147-184) the political system of Clovis.

[15] M. Biet (in a dissertation which deserved the prize of the Academy of Soisso p. 178-226) has accurately defined the nature and extent of the kingdom of Syagr and his father; but he too readily allows the slight evidence of Dubos (tom. ii 54-57) to deprive him of Beauvais and Amiens. [His kingdom was bounded by Somme (beyond which was the Salian territory under Chlodwig); by the terri of the Ripuarian Franks (on the lower Mosel); by the Burgundian kingd (Auxerre was probably near the frontier); and by the Seine. The territory of Armorican federation between the Seine and Loire seems to have been independ after the death of Ægidius. And in this region isolated fortresses may have b still in the hands of Roman garrisons, independent of the lord of Soissons (Proc B. G., i. 12). Cp. Junghans, op. cit. p. 23, 24.]

[16] I may observe that Fredegarius, in his Epitome of Gregory of Tours (tom p. 398 [c. 15]), has prudently [but on what authority?] substituted the name *Patricius* for the incredible title of *Rex Romanorum*. [This description given Gregory (ii. 27) expresses very well the actual position of Syagrius in north Gaul. Syagrius had not, so far as we know, any official title in the Empire (his father's post of magister militum).]

the tribunal of a stranger, who possessed the singular talent of explaining, in their native tongue, the dictates of reason and equity. The diligence and affability of their judge rendered him popular, the impartial wisdom of his decrees obtained their voluntary obedience, and the reign of Syagrius over the Franks and Burgundians seemed to revive the original institution of civil society.[17] In the midst of these peaceful occupations, Syagrius received, and boldly accepted, the hostile defiance of Clovis; who challenged his rival in the spirit, and almost in the language, of chivalry, to appoint the day and the field[18] of battle. In the time of Cæsar, Soissons would have poured forth a body of fifty thousand horse; and such an army might have been plentifully supplied with shields, cuirasses, and military engines, from the three arsenals, or manufactures of the city.[19] But the courage and numbers of the Gallic youth were long since exhausted; and the loose bands of volunteers, or mercenaries, who marched under the standard of Syagrius, were incapable of contending with the national valour of the Franks. It would be ungenerous, without some more accurate knowledge of his strength and resources, to condemn the rapid flight of Syagrius, who escaped, after the loss of a battle, to the distant court of Toulouse. The feeble minority of Alaric could not assist or protect an unfortunate fugitive; the pusillanimous[20] Goths were intimidated by the menaces of Clovis; and the Roman *king*, after a short confinement, was delivered into the hands of the executioner. The Belgic cities surrendered to the king of the Franks;[21]

[17] Sidonius (l. v. epist. 5, in tom. i. p. 794), who styles him the Solon, the Amphion of the Barbarians, addresses this imaginary king in the tone of friendship and equality. From such offices of arbitration, the crafty Dejoces had raised himself to the throne of the Medes (Herodot. l. i. c. 96-100).

[18] Campum sibi præparari jussit. M. Biet (p. 226-251) has diligently ascertained this field of battle, at Nogent, a Benedictine abbey, about ten miles to the north of Soissons. The ground was marked by a circle of Pagan sepulchres; and Clovis bestowed the adjacent lands of Leuilly and Coucy on the church of Rheims.

[19] See Cæsar, Comment. de Bell. Gallic. ii. 4, in tom. i. p. 220, and the Notitiæ, tom. i. p. 126. The three *Fabricae* of Soissons were, *Scutaria*, *Balistaria*, and *Clinabaria*. The last supplied the complete armour of the heavy cuirassiers.

[20] The epithet must be confined to the circumstances; and history cannot justify the French prejudice of Gregory (l. ii. c. 27, in tom. ii. p. 175), ut Gothorum pavere *mos* est.

[21] [Gregory tells of the siege of Rheims after the victory over Syagrius. That victory extended the dominion of Chlodwig to the Seine; in the following years he advanced by degrees to the Loire. This progress indicated in the *Gesta* by the words *usque Ligere fluvio occupavit* (c. 14) is not clearly marked in earlier sources (Gregory passes it over), but it can be traced in the story told by Procopius (B. G., i. 12) of the dealings between the Franks and the Arboruchi (who are certainly the

and his dominions were enlarged towards the East by the ample diocese of Tongres,[22] which Clovis subdued in the tenth year of his reign.

Defeat and submission of the Alemanni A.D. 496

The name of the Alemanni has been absurdly derived from their imaginary settlement on the banks of the *Leman* lake.[23] That fortunate district, from the lake to Avenche and Mount Jura, was occupied by the Burgundians.[24] The northern parts of Helvetia had indeed been subdued by the ferocious Alemanni, who destroyed with their own hands the fruits of their conquest. A province, improved and adorned by the arts of Rome, was again reduced to a savage wilderness; and some [Windisch] vestige of the stately Vindonissa may still be discovered in the fertile and populous valley of the Aar.[25] From the source of the Rhine to its conflux with the Main and the Moselle, the formidable swarms of the Alemanni commanded either side of the river, by the right of ancient possession or recent victory. They had spread themselves into Gaul, over the modern provinces of Alsace and Lorraine; and their bold invasion of the kingdom of Cologne summoned the Salic prince to the defence of his Ripuarian allies. Clovis encountered the invaders of Gaul in

Armorici); in the siege of Paris in the *Vita Genovefae;* and in the unsuccessful siege of Nantes in Gregory's *De Gloria Martyrum*, i. 60. Gibbon places this advance after A.D. 496; see below.]

[22] Dubos has satisfied me (tom. i. p. 277-286) that Gregory of Tours, his transcribers, or his readers, have repeatedly confounded the German kingdom of *Thuringia*, beyond the Rhine, and the Gallic *city* of *Tongria* on the Meuse, which was more anciently the country of the Eburones and more recently the diocese of Liege. [Thoringis bellum intulit, Greg. ii. 27. There is nothing to be said for the view (revived by Pétigny in Études sur l'époque mérovingienne, 1842-4) that the Tongri are meant. But the view of Junghans that these Thoringi dwelt on the *left* bank of the Rhine near its mouth seems highly improbable. The Thuringian kingdom approached the Rhine, but was entirely on the *right* bank.]

[23] Populi habitantes juxta *Lemannum* lacum, *Alemanni* dicuntur. Servius, ad Virgil Georgic. iv. 278. Dom Bouquet (tom. i. p. 817) has only alleged the more recent and corrupt text of Isidore of Seville.

[24] Gregory of Tours sends St. Lupicinus inter illa Jurensis deserti secreta, quæ inter Burgundiam Alamanniamque sita, Aventicæ adjacent civitati, in tom. i. p. 648. M. de Watteville (Hist. de la Confédération Helvétique, tom. i. p. 9, 10) has accurately defined the Helvetian limits of the duchy of Alemannia and the Transjurane Burgundy. They were commensurate with the dioceses of Constance and Avenche, or Lausanne, and are still discriminated, in Modern Switzerland, by the use of the German or French language.

[25] See Guilliman de Rebus Helveticis, l. i. c. 3, p. 11, 12. Within the ancient walls of Vindonissa, the castle of Habsburg, the abbey of Königsfeld, and the town of Bruck [Brugg], have successively arisen. The philosophic traveller may compare the monuments of Roman conquest, of feudal or Austrian tyranny, of monkish superstition, and of industrious freedom. If he be truly a philosopher he will applaud the merit and happiness of his own times.

he plain of Tolbiac, about twenty-four miles from Cologne;[26] nd the two fiercest nations of Germany were mutually animated y the memory of past exploits and the prospect of future great- ess. The Franks, after an obstinate struggle, gave way; and he Alemanni, raising a shout of victory, impetuously pressed heir retreat. But the battle was restored by the valour, the onduct, and perhaps by the piety, of Clovis; and the event f the bloody day decided for ever the alternative of empire or ervitude. The last king of the Alemanni was slain in the field, nd his people was slaughtered and pursued, till they threw own their arms and yielded to the mercy of the conqueror. Without discipline it was impossible for them to rally; they had ontemptuously demolished the walls and fortifications which night have protected their distress; and they were followed nto the heart of their forests by an enemy, not less active or ntrepid than themselves. The great Theodoric congratulated he victory of Clovis, whose sister Albofleda the king of Italy had ately married; but he mildly interceded with his brother in avour of the suppliants and fugitives who had implored his pro- ection. The Gallic territories, which were possessed by the Alemanni, became the prize of their conqueror; and the haughty ation, invincible or rebellious to the arms of Rome, acknow- edged the sovereignty of the Merovingian kings, who graciously ermitted them to enjoy their peculiar manners and institutions, nder the government of official, and, at length, of hereditary, ukes. After the conquest of the Western provinces, the Franks alone maintained their ancient habitations beyond the Rhine. They gradually subdued and civilized the exhausted ountries, as far as the Elbe and the mountains of Bohemia; nd the peace of Europe was secured by the obedience of Germany.[27]

[26] [Gregory does not mark the place of the battle; and Tolbiacum (Zülpich) is false inference from another passage (ii. 27), where Sigibert, king of the Ripuarian Franks, is said to have been wounded in the knee, fighting against the Alamanni *apud Tulbiacense oppidum*. That this was the battle in which Alamannia was verthrown is a pure assumption. The *Vita Scti Vedasti* (Acta Sct. Feb. 6) point n another direction, to the Upper Rhine; the battle being brought on by the ttempt of Chlodwig to pass that river. After his victory he returns to Rheims, by oul (Tullum) and the course of the Aisne (Axona). Another source represents im returning by Joine (Juviniacum). Sybel has defended the Vita Vedasti.]

[27] Gregory of Tours (l. ii. 30, 37, in tom. ii. p. 176, 177, 182), the Gesta Fran- orum (in tom. ii. p. 551), and the epistle of Theodoric (Cassiodor. Variar. l. ii. c. 1, in tom. iv. p. 4) represent the defeat of the Alemanni. Some of their tribes ettled in Rhætia, under the protection of Theodoric; whose successors ceded the olony and their country to the grandson of Clovis. [This is probably the true

Conversion of Clovis. A.D. 496

Till the thirtieth year of his age, Clovis continued to worsh the gods of his ancestors.[28] His disbelief, or rather disregar of Christianity might encourage him to pillage with less remor the churches of an hostile territory; but his subjects of Ga enjoyed the free exercise of religious worship, and the bisho entertained a more favourable hope of the idolater than of th heretics. The Merovingian prince had contracted a fortuna [c. A.D. 492-3] alliance with the fair Clotilda, the niece of the king of Burgund who, in the midst of an Arian court, was educated in the pr fession of the Catholic faith. It was her interest, as well as h duty, to achieve the conversion[29] of a Pagan husband; an Clovis insensibly listened to the voice of love and religion. H consented (perhaps such terms had been previously stipulate to the baptism of his eldest son; and, though the sudden deat of the infant excited some superstitious fears, he was persuade a second time, to repeat the dangerous experiment. In th distress of the battle of Tolbiac, Clovis loudly invoked the go of Clotilda and the Christians; and victory disposed him to hea with respectful gratitude, the eloquent[30] Remigius,[31] bisho of Rheims, who forcibly displayed the temporal and spiritu

view; and we must prefer it to the theories that part of Alamannia remained ind pendent, or was annexed by Theodoric the Ostrogoth. For his treatment of t fugitive Alamanni, see also Ennodius, Panegyricus, c. xv. p. 212, ed. Voge The state of the Alemanni under the Merovingian kings may be seen in Masc (Hist. of the Ancient Germans, xi. 8, &c. Annotation xxxvi.) and Guilliman (Reb. Helvet. l. ii. c. 10-12, p. 72-80).

[28] Clotilda, or rather Gregory, supposes that Clovis worshipped the gods Greece and Rome. The fact is incredible, and the mistake only shews how co pletely, in less than a century, the national religion of the Franks had been abolishe and even forgotten.

[29] Gregory of Tours relates the marriage and conversion of Clovis (l. ii. c. 28-3 in tom. ii. p. 175-178). Even Fredegarius, or the nameless Epitomizer (in tom. p. 398-400), the author of the Gesta Francorum (in tom. ii. p. 548-552), and Aimo himself (l. i. c. 13, in tom. iii. p. 37-40) may be heard without disdain. Traditi might long preserve some curious circumstances of these important transactio [On these later accounts see Fauriel, Histoire de la Gaule Méridionale, ii. 493 *sq* and Junghans, op. cit. p. 51-54.]

[30] A traveller who returned from Rheims to Auvergne had stolen a copy of Declamations from the secretary or bookseller of the modest archbishop (Sidoni Apollinar. l. ix. epist. 7). Four epistles of Remigius, which are still extant (in to iv. p. 51, 52, 53), do not correspond with the splendid praise of Sidonius.

[31] Hincmar, one of the successors of Remigius (A.D. 845-882), has compos his life (in tom. iii. p. 373-380 [Migne, vol. cxxv. p. 1128 *sqq.*]). The authority ancient Mss. of the church of Rheims might inspire some confidence, which is d stroyed, however, by the selfish and audacious fictions of Hincmar. It is remarkab enough that Remigius, who was consecrated at the age of twenty-two (A.D. 45 filled the episcopal chair seventy-four years (Pagi Critica, in Baron. tom. p. 384, 572). [Gregory of Tours used a *liber vitae* of Remigius (ii. 39), which L was doubtless also used by Venantius Fortunatus and afterwards by Hincmar.]

advantages of his conversion. The king declared himself satisfied of the truth of the Catholic faith; and the political reasons which might have suspended his public profession were removed by the devout or loyal acclamations of the Franks, who showed themselves alike prepared to follow their heroic leader to the field of battle or to the baptismal font. The important ceremony was performed in the cathedral of Rheims, with every circumstance of magnificence and solemnity that could impress an awful sense of religion on the minds of its rude proselytes.[32] The new Constantine was immediately baptized, with three thousand of his warlike subjects; and their example was imitated by the remainder of the *gentle Barbarians*, who, in obedience to the victorious prelate, adored the cross which they had burnt, and burnt the idols which they had formerly adored.[33] The mind of Clovis was susceptible of transient fervour: he was exasperated by the pathetic tale of the passion and death of Christ; and, instead of weighing the salutary consequences of that mysterious sacrifice, he exclaimed, with indiscreet fury, "Had I been present at the head of my valiant Franks, I would have revenged his injuries".[34] But the savage conqueror of Gaul was incapable of examining the proofs of a religion which depends on the laborious investigation of historic evidence and speculative theology. He was still more incapable of feeling

[on Christmas Day]

[32] A vial (the *Sainte Ampoulle*) of holy, or rather celestial, oil, was brought down by a white dove, for the baptism of Clovis, and it is still used, and renewed, in the coronation of the kings of France. Hincmar (he aspired to the primacy of Gaul) is the first author of this fable (in tom. iii. p. 377), whose slight foundations the Abbé de Vertot (Mémoires de l'Académie des Inscriptions, tom. ii. p. 619-633) has undermined, with profound respect and consummate dexterity. [Besides the excellent and perfectly credible narrative of Gregory, there is a still earlier source for the baptism of Chlodwig—a contemporary letter addressed to Chlodwig by Avitus, bishop of Vienna (Vienne), who supplies the date (Christmas Day), which is confirmed by a reference to the "severity of winter" in a letter of Remigius (ap. Bouquet, iv. 51). Avitus also mentions the presence of a number of bishops at the ceremony; he was invited himself, and this letter (printed in Bouquet, iv. 49) excuses his absence. His description of Chlodwig bowing his terrible head before the servants of God (cum se Dei servis inflecteret timendum gentibus caput) sounds like an allusion to the words which Gregory puts in the mouth of Remigius: mitis depone colla, Sicamber.]

[33] Mitis depone colla, Sicamber: adora quod incendisti, incende quod adorasti. Greg. Turon. l. ii. c. 31, in tom. ii. p. 177. ["Gentle barbarian" is misleading; for *mitis* is predicate. It is certain that all the Frank nation was not converted to Christianity along with their king. See Junghans, op. cit. p. 60-62.]

[34] Si ego ibidem cum Francis meis fuissem, injurias ejus vindicassem. This rash expression, which Gregory has prudently concealed, is celebrated by Fredegarius (Epitom. c. 21, in tom. ii. p. 400), Aimoin (l. i. c. 16, in tom, iii. p. 40), and the Chroniques de St. Denys (l. i. c. 20, in tom. iii. p. 171) as an admirable effusion of Christian zeal.

the mild influence of the gospel, which persuades and purifies the heart of a genuine convert. His ambitious reign was a perpetual violation of moral and Christian duties; his hands were stained with blood, in peace as well as in war; and, as soon as Clovis had dismissed a synod of the Gallican church, he calmly assassinated *all* the princes of the Merovingian race.[35] Yet the king of the Franks might sincerely worship the Christian God, as a Being more excellent and powerful than his national deities; and the signal deliverance and victory of Tolbiac encouraged Clovis to confide in the future protection of the Lord of Hosts. Martin, the most popular of the saints, had filled the Western world with the fame of those miracles which were incessantly performed at his holy sepulchre of Tours. His visible or invisible aid promoted the cause of a liberal and orthodox prince; and the profane remark of Clovis himself that St. Martin was an expensive friend[36] need not be interpreted as the symptom of any permanent, or rational, scepticism. But earth, as well as heaven, rejoiced in the conversion of the Franks. On the memorable day when Clovis ascended from the baptismal font, he alone, in the Christian world, deserved the name and prerogatives of a Catholic king. The emperor Anastasius entertained some dangerous errors concerning the nature of the divine incarnation; and the Barbarians of Italy, Africa, Spain, and Gaul were involved in the Arian heresy. The eldest, or rather the only, son of the church was acknowledged by the clergy as their lawful sovereign, or glorious deliverer; and the arms of Clovis were strenuously supported by the zeal and favour of the Catholic faction.[37]

Submission of the Armoricans and the Roman troops. A.D. 497, &c.

Under the Roman empire, the wealth and jurisdiction of the bishops, their sacred character, and perpetual office, their numerous dependents, popular eloquence, and provincial assemblies had rendered them always respectable, and sometimes dangerous.

[35] Gregory (l. ii. c. 40-43, in tom. ii. p. 183-185), after coolly relating the repeated crimes, and affected remorse, of Clovis, concludes, perhaps undesignedly, with a lesson which ambition will never hear: "His ita transactis . . . obiit".

[36] After the Gothic victory, Clovis made rich offerings to St. Martin of Tours. He wished to redeem his war-horse by the gift of one hundred pieces of gold; but the enchanted steed could not move from the stable till the price of his redemption had been doubled. This miracle provoked the king to exclaim, Vere B. Martinus est bonus in auxilio, sed carus in negotio (Gesta Francorum, in tom. ii. p. 554, 555).

[37] See the epistle from pope Anastasius to the royal convert (in tom. iv. p. 50, 51). Avitus, bishop of Vienna, addressed Clovis on the same subject (p. 49), and many of the Latin bishops would assure him of their joy and attachment.

Their influence was augmented with the progress of superstition, and the establishment of the French monarchy may, in some degree, be ascribed to the firm alliance of an hundred prelates, who reigned in the discontented, or independent, cities of Gaul. The slight foundations of the *Armorican* republic had been repeatedly shaken, or overthrown;[38] but the same people still guarded their domestic freedom; asserted the dignity of the Roman name; and bravely resisted the predatory inroads and regular attacks of Clovis, who laboured to extend his conquests from the Seine to the Loire. Their successful opposition introduced an equal and honourable union. The Franks esteemed the valour of the Armoricans,[39] and the Armoricans were reconciled by the religion of the Franks. The military force which had been stationed for the defence of Gaul consisted of one hundred different bands of cavalry or infantry; and these troops, while they assumed the title and privileges of Roman soldiers, were renewed by an incessant supply of the Barbarian youth. The extreme fortifications, and scattered fragments, of the empire were still defended by their hopeless courage. But their retreat was intercepted, and their communication was impracticable: they were abandoned by the Greek princes of Constantinople, and they piously disclaimed all connexion with the Arian usurpers of Gaul. They accepted, without shame or reluctance, the generous capitulation, which was proposed by a Catholic hero; and this spurious, or legitimate, progeny of the Roman legions was distinguished in the succeeding age by their arms, their ensigns, and their peculiar dress and institutions. But the national strength was increased by these powerful and voluntary accessions; and the neighbouring kingdoms dreaded the numbers, as well as the spirit, of the Franks. The reduction of the Northern provinces of Gaul, instead of being decided by the chance of a single combat, appears to have been slowly effected by the gradual operation of war and treaty; and Clovis acquired each object of his ambition by such efforts, or such concessions,

[38] [Gibbon is reproducing καταβαλόντας, the reading in the old texts of Procopius which rested on inferior Mss.; the true reading of the best Mss. is μεταβαλόντας, "having changed," which appears in the new text of Signor Comparetti.]

[39] Instead of the Ἀρβόρυχοι, an unknown people, who now appear in the text of Procopius, Hadrian de Valois has restored the proper name of the Ἀρμόρυχοι; and this easy correction has been almost universally approved. [The best Mss. have Ἀρβόρυχοι, and there is no reason to acquit Procopius of this corrupt form.] Yet an unprejudiced reader would naturally suppose that Procopius means to describe a tribe of Germans in the alliance of Rome; and not a confederacy of Gallic cities, which had revolted from the empire. [See above, note 15.]

as were adequate to its real value. *His* savage character and the virtues of Henry IV. suggest the most opposite ideas of human nature; yet some resemblance may be found in the situation of two princes, who conquered France by their valour, their policy, and the merits of a seasonable conversion.[40]

The Burgundian war. A.D. 499

[Gundobad]

The kingdom of the Burgundians, which was defined by the course of two Gallic rivers, the Saône and the Rhone, extended from the forest of Vosges to the Alps and the sea of Marseilles.[41] The sceptre was in the hands of Gundobald. That valiant and ambitious prince had reduced the number of royal candidates by the death of two brothers, one of whom was the father of Clotilda;[42] but his imperfect prudence still permitted Godegesil, the youngest of his brothers, to possess the dependent principality of Geneva.[43] The Arian monarch was justly alarmed by the satisfaction, and the hopes, which seemed to animate his clergy and people after the conversion of Clovis; and Gundobald convened at Lyons an assembly of his bishops, to reconcile, if it were possible, their religious and political discontents. A vain conference was agitated between the two factions. The Arians upbraided the Catholics with the worship of three Gods; the Catholics defended their cause by theological distinctions; and the usual arguments, objections, and replies were reverberated with obstinate clamour, till the king revealed his secret apprehensions, by an abrupt but decisive question which he addressed to the orthodox bishops: "If you truly profess the Christian religion, why do you not restrain the king

[40] This important digression of Procopius (de Bell. Gothic, l. i. c. 12, in tom. ii. p. 29-36) illustrates the origin of the French monarchy. Yet I must observe, 1. That the Greek historian betrays an inexcusable ignorance of the geography of the West. 2. That these treaties and privileges, which should leave some lasting traces, are totally invisible in Gregory of Tours, the Salic laws, &c.

[41] Regnum circa Rhodanum aut Ararim cum provinciâ Massiliensi retinebant. Greg. Turon. l. ii. c. 32, in tom. ii. p. 178. The province of Marseilles as far as the Durance, was afterwards ceded to the Ostrogoths; and the signatures of twenty-five bishops are supposed to represent the kingdom of Burgundy, A.D. 517 (Concil. Epaon. in tom. iv. p. 104, 105). Yet I would except Vindonissa. The bishop who lived under the Pagan Alemanni would naturally resort to the synod of the next Christian kingdom. Mascou (in his four first annotations) has explained many circumstances relative to the Burgundian monarchy. [Marseilles and Arles seem to have been Burgundian in 499.]

[42] Mascou (Hist. of the Germans, xi. 10), who very reasonably distrusts the testimony of Gregory of Tours, has produced a passage from Avitus (epist. v.) to prove that Gundobald affected to deplore the tragic event which his subject affected to applaud.

[43] [See Vita Epiphanii, in Bouquet, iii. 371, in Vogel, p. 106. The residence of Gundobad was Lyons.]

f the Franks? He has declared war against me, and forms lliances with my enemies for my destruction. A sanguinary nd covetous mind is not the symptom of a sincere conversion: et him shew his faith by his works." The answer of Avitus, ishop of Vienna, who spoke in the name of his brethren, was elivered with the voice and countenance of an angel: "We re ignorant of the motives and intentions of the king of ranks; but we are taught by scripture that the kingdoms hich abandon the divine law are frequently subverted; and hat enemies will arise on every side against those who have nade God their enemy. Return, with thy people, to the law f God, and he will give peace and security to thy dominions." he king of Burgundy, who was not prepared to accept the ondition which the Catholics considered as essential to the reaty, delayed and dismissed the ecclesiastical conference; fter reproaching his bishops, that Clovis, their friend and roselyte, had privately tempted the allegiance of his brother.[44]

The allegiance of his brother was already seduced; and the bedience of Godegesil, who joined the royal standard with he troops of Geneva, more effectually promoted the success of he conspiracy. While the Franks and Burgundians contended ith equal valour, his seasonable desertion decided the event of he battle; and, as Gundobald was faintly supported by the isaffected Gauls, he yielded to the arms of Clovis, and hastily etreated from the field, which appears to have been situate etween Langres and Dijon. He distrusted the strength of Dijon, a quadrangular fortress, encompassed by two rivers, and y a wall thirty feet high, and fifteen thick, with four gates, nd thirty-three towers;[45] he abandoned to the pursuit of lovis the important cities of Lyons and Vienna; and Gundo- ald still fled with precipitation, till he had reached Avignon, t the distance of two hundred and fifty miles from the field of attle. A long siege, and an artful negotiation, admonished

Victory of Clovis. A.D. 500

[Divio]

[Avenio]

[44] See the original conference (in [Bouquet], tom. iv. p. 99-102). Avitus, the rincipal actor, and probably the secretary of the meeting, was bishop of Vienna. he acts of this conference, known as the *Collatio Episcoporum*, have been proved be a forgery by J. Havet.] A short account of his person and works may be found Dupin (Bibliothèque Ecclésiastique, tom. v. p. 5-10). [It has been shown by nghans that in making war Chlodwig relied on a party in Northern Burgundy hich was favourable to the Franks. Cp. op. cit. p. 76.]

[45] Gregory of Tours (l. iii. c. 19, in tom. ii. p. 197) indulges his genius, or ther transcribes some more eloquent writer, in the description of Dijon, a stle, which already deserved the title of a city. It depended on the bishops of angres till the twelfth century, and afterwards became the capital of the dukes Burgundy. Longuerue, Description de la France, part i. p. 280.

the king of the Franks of the danger and difficulty of his ente prise. He imposed a tribute on the Burgundian prince, co pelled him to pardon and reward his brother's treachery, a proudly returned to his own dominions, with the spoils a captives of the southern provinces. This splendid triumph w soon clouded by the intelligence that Gundobald had violat his recent obligations, and that the unfortunate Godegesil, w was left at Vienna with a garrison of five thousand Franks had been besieged, surprised, and massacred by his inhum brother. Such an outrage might have exasperated the patien of the most peaceful sovereign; yet the conqueror of Gaul d sembled the injury, released the tribute, and accepted t alliance and military service of the king of Burgundy. Clo no longer possessed these advantages which had assured t success of the preceding war; and his rival, instructed by a versity, had found new resources in the affections of his peop The Gauls or Romans applauded the mild and impartial la of Gundobald, which almost raised them to the same level wi their conquerors. The bishops were reconciled and flatter by the hopes, which he artfully suggested, of his approachi conversion; and, though he eluded their accomplishment the last moment of his life, his moderation secured the pea and suspended the ruin, of the kingdom of Burgundy.[47]

Final conquest of Burgundy by the Franks. A.D. 332 [523]

I am impatient to pursue the final ruin of that kingdom, whi was accomplished under the reign of Sigismond, the son Gundobald. The Catholic Sigismond has acquired the honou of a saint and martyr;[48] but the hands of the royal saint we stained with the blood of his innocent son, whom he inhuman sacrificed to the pride and resentment of a stepmother. H soon discovered his error, and bewailed the irreparable lo

[46] The Epitomizer of Gregory of Tours (in tom. ii. p. 401) has supplied t number of Franks; but he rashly supposes that they were cut in pieces by Gun bald. The prudent Burgundians spared the soldiers of Clovis, and sent th captives to the king of the Visigoths, who settled them in the territory of T louse. [For the Burgundian war we have, besides Gregory, who represents Frank point of view, Marius of Aventicum, who represents the Burgundian pc of view. The Chronicle of Marius supplies the date and the main facts; Gregory's story there is a legendary element.]

[47] In this Burgundian war I have followed Gregory of Tours (l. ii. c. 32, in tom. ii. p. 178, 179), whose narrative *appears* so incompatible with that Procopius (de Bell. Goth. l. i. c. 12, in tom. ii. p. 31, 32), that some critics h supposed *two* different wars. The Abbé Dubos (Hist. Critique, &c. tom. ii. 126-162) has distinctly represented the causes and the events.

[48] See his life or legend (in tom. iii. p. 402). A martyr! how strangely has t word been distorted from its original sense of a common witness. St. Sigism was remarkable for the cure of fevers.

While Sigismond embraced the corpse of the unfortunate youth, he received a severe admonition from one of his attendants: "It is not his situation, O king! it is thine which deserves pity and lamentation". The reproaches of a guilty conscience were alleviated, however, by his liberal donations to the monastery of Agaunum, or St. Maurice, in Vallais; which he himself had founded in honour of the imaginary martyrs of the Thebæan legion.[49] A full chorus of perpetual psalmody was instituted by the pious king; he assiduously practised the austere devotion of the monks; and it was his humble prayer that heaven would inflict in this world the punishment of his sins. His prayer was heard; the avengers were at hand; and the provinces of Burgundy were overwhelmed by an army of victorious Franks. After the event of an unsuccessful battle, Sigismond, who wished to protract his life that he might prolong his penance, concealed himself in the desert in a religious habit, till he was discovered and betrayed by his subjects, who solicited the favour of their new masters. The captive monarch, with his wife and two children, were transported to Orleans, and buried alive in a deep well, by the stern command of the sons of Clovis; whose cruelty might derive some excuse from the maxims and examples of their barbarous age. Their ambition, which urged them to achieve the conquest of Burgundy, was inflamed, or disguised, by filial piety; and Clotilda, whose sanctity did not consist in the forgiveness of injuries, pressed them to revenge her father's death on the family of his assassin. The rebellious Burgundians, for they attempted to break their chains, were still permitted to enjoy their national laws under the obligation of tribute and military service; and the Merovingian princes peaceably reigned over a kingdom whose glory and greatness had been first overthrown by the arms of Clovis.[50]

The first victory of Clovis had insulted the honour of the Goths. They viewed his rapid progress with jealousy and

The Gothic war. A.D. 507

[49] Before the end of the fifth century, the church of St. Maurice, and his Thebæan legion, had rendered Agaunum a place of devout pilgrimage. A promiscuous community of both sexes had introduced some deeds of darkness, which were abolished (A.D. 515) by the regular monastery of Sigismond. Within fifty years, his *angels of light* made a nocturnal sally to murder their bishop and his clergy. See in the Bibliothèque Raisonnée (tom. xxxvi. p. 435-438) the curious remark of a learned librarian of Geneva.

[50] Marius, bishop of Avenche (Chron. in tom. ii. p. 15 [Mommsen, Chron. Min., ii. p. 235]), has marked the authentic dates, and Gregory of Tours (l. iii. c. 5, in tom. ii. p. 188, 189) has expressed the principal facts, of the life of Sigismond and the conquest of Burgundy. Procopius (in tom. ii. p. 34 [B. G. i. 12]) and Agathias (in tom. ii. p. 49) shew their remote and imperfect knowledge.

terror; and the youthful fame of Alaric was oppressed by th more potent genius of his rival. Some disputes inevitably aro on the edge of their contiguous dominions; and, after the di lays of fruitless negotiation, a personal interview of the tw kings was proposed and accepted. This conference of Clovis an Alaric was held in a small island of the Loire, near Ambois They embraced, familiarly conversed, and feasted together; an separated with the warmest professions of peace and brother love. But their apparent confidence concealed a dark suspici of hostile and treacherous designs; and their mutual complain solicited, eluded, and disclaimed a final arbitration. At Par which he already considered as his royal seat, Clovis declared an assembly of the princes and warriors the pretence, and th motive, of a Gothic war. "It grieves me to see that the Aria still possess the fairest portion of Gaul. Let us march again them with the aid of God; and, having vanquished the heretic we will possess, and divide, their fertile provinces." [51] Th Franks, who were inspired by hereditary valour and recent zea applauded the generous design of their monarch; express their resolution to conquer or die, since death and conque would be equally profitable; and solemnly protested that th should never shave their beards, till victory would absolve the from that inconvenient vow. The enterprise was promoted b the public, or private, exhortations of Clotilda. She remind her husband, how effectually some pious foundation would pr pitiate the Deity and his servants; and the Christian her darting his battle-axe with a skilful and nervous hand, "The (said he), on that spot where my *Francisca* [52] shall fall, will erect a church in honour of the holy apostles". This ostentatio piety confirmed and justified the attachment of the Catholic with whom he secretly corresponded; and their devout wish were gradually ripened into a formidable conspiracy. The peop of Aquitain was alarmed by the indiscreet reproaches of their G thic tyrants, who justly accused them of preferring the domini

[51] Gregory of Tours (l. ii. c. 37, in tom. ii. p. 181) inserts the short but persuas speech of Clovis. Valde moleste fero, quod hi Ariani partem teneant Galliar (the author of the Gesta Francorum, in tom. ii. p. 553, adds the precious epith of *optimam*) eamus cum Dei adjutorio, et, superatis eis, redigamus terram ditionem nostram.

[52] Tunc rex projecit a se in directum Bipennem suam quod est *Francisca*, & (Gesta Franc. in tom. ii. p. 554). The form and use of this weapon are clea described by Procopius (in tom. ii. p. 37). Examples of its *national* appellation Latin and French may be found in the Glossary of Ducange, and the large D tionnaire de Trevoux.

of the Franks; and their zealous adherent Quintianus, bishop of Rodez,[53] preached more forcibly in his exile than in his diocese. To resist these foreign and domestic enemies, who were fortified by the alliance of the Burgundians, Alaric collected his troops, far more numerous than the military powers of Clovis. The Visigoths resumed the exercise of arms, which they had neglected in a long and luxurious peace;[54] a select band of valiant and robust slaves attended their masters to the field;[55] and the cities of Gaul were compelled to furnish their doubtful and reluctant aid. Theodoric, king of the Ostrogoths, who reigned in Italy, had laboured to maintain the tranquillity of Gaul; and he assumed, or affected for that purpose, the impartial character of a mediator. But the sagacious monarch dreaded the rising empire of Clovis, and he was firmly engaged to support the national and religious cause of the Goths.

Victory of Clovis. A.D. 507

The accidental, or artificial, prodigies, which adorned the expedition of Clovis, were accepted, by a superstitious age, as the manifest declaration of the Divine favour. He marched from Paris; and, as he proceeded with decent reverence through the holy diocese of Tours, his anxiety tempted him to consult the shrine of St. Martin, the sanctuary and the oracle of Gaul. His messengers were instructed to remark the words of the Psalm, which should happen to be chaunted at the precise moment when they entered the church. Those words most fortunately expressed the valour and victory of the champions of Heaven, and the application was easily transferred to the new Joshua, the new Gideon, who went forth to battle against the enemies of the Lord.[56] Orleans secured to the Franks a

[53] It is singular enough, that some important and authentic facts should be found in a life of Quintianus, composed in rhyme in the old *Patois* of Rouergue (Dubos, Hist. Critique, &c. tom. ii. p. 179).

[54] Quamvis fortitudini vestræ confidentiam tribuat parentum vestrorum innumerabilis multitudo; quamvis Attilam potentem reminiscamini Visigotharum viribus inclinatum; tamen quia populorum ferocia corda longâ pace mollescunt, avete subito in aleam mittere, quos constat tantis temporibus exercitia non habere. Such was the salutary, but fruitless, advice of peace, of reason, and of Theodoric (Cassiodor. l. iii. ep. 2).

[55] Montesquieu (Esprit des Loix, l. xv. c. 14) mentions and approves the law of the Visigoths (l. ix. tit. 2, in tom. iv. p. 425) which obliged all masters to arm, and send, or lead, into the field, a tenth of their slaves.

[56] This mode of divination, by accepting as an omen the first sacred words, which in particular circumstances should be presented to the eye or ear, was derived from the Pagans; and the Psalter, or Bible, was substituted to the Poems of Homer and Virgil. From the fourth to the fourteenth century, these *sortes sanctorum*, as they are styled, were repeatedly condemned by the decrees of councils, and repeatedly practised by kings, bishops, and saints. See a curious dissertation of the Abbé du Resnel, in the Mémoires de l'Académie, tom. xix. p. 287-310.

bridge on the Loire; but, at the distance of forty miles fro
Poitiers, their progress was intercepted by an extraordina
swell of the river Vigenna, or Vienne; and the opposite ban
were covered by the encampment of the Visigoths. Del
must be always dangerous to Barbarians, who consume t
country through which they march; and, had Clovis possess
leisure and materials, it might have been impracticable to co
struct a bridge, or to force a passage, in the face of a superi
enemy. But the affectionate peasants, who were impatient
welcome their deliverer, could easily betray some unknown,
unguarded, ford; the merit of the discovery was enhanced
the useful interposition of fraud or fiction; and a white hart,
singular size and beauty, appeared to guide and animate t
march of the Catholic army. The counsels of the Visigot
were irresolute and distracted. A crowd of impatient warrio
presumptuous in their strength, and disdaining to fly before t
robbers of Germany, excited Alaric to assert in arms the nar
and blood of the conqueror of Rome. The advice of the grav
chieftains pressed him to elude the first ardour of the Frank
and to expect, in the southern provinces of Gaul, the veter
and victorious Ostrogoths, whom the king of Italy had alrea
sent to his assistance. The decisive moments were wasted
idle deliberation; the Goths too hastily abandoned, perhaps,
advantageous post; and the opportunity of a sure retreat w
lost by their slow and disorderly motions. After Clovis h
passed the ford, as it is still named, of the *Hart*, he advanc
with bold and hasty steps to prevent the escape of the enem
His nocturnal march was directed by a flaming meteor, su
pended in the air above the cathedral of Poitiers; and t
signal, which might be previously concerted with the orthod
successor of St. Hilary, was compared to the column of f
that guided the Israelites in the desert. At the third ho
of the day, about ten miles beyond Poitiers, Clovis overtoo
and instantly attacked, the Gothic army; whose defeat w
[Battle of Vouillé] already prepared by terror and confusion. Yet they rallied
their extreme distress, and the martial youths, who had clam
ously demanded the battle, refused to survive the ignominy
flight. The two kings encountered each other in single comb
Alaric fell by the hand of his rival; and the victorious Fra
was saved by the goodness of his cuirass, and the vigour of
horse, from the spears of two desperate Goths, who furiou
rode against him to revenge the death of their sovereign T
vague expression of a mountain of the slain serves to indicat

uel, though indefinite, slaughter; but Gregory has carefully bserved that his valiant countryman Apollinaris, the son of donius, lost his life at the head of the nobles of Auvergne. erhaps these suspected Catholics had been maliciously exposed the blind assault of the enemy; and perhaps the influence of ligion was superseded by personal attachment or military nour.[57]

Conquest of Aquitain by the Franks. A.D. 508

Such is the empire of Fortune (if we may still disguise our norance under that popular name), that it is almost equally fficult to foresee the events of war or to explain their various nsequences. A bloody and complete victory has sometimes elded no more than the possession of the field; and the loss of n thousand men has sometimes been sufficient to destroy, in a ngle day, the work of ages. The decisive battle of Poitiers as followed by the conquest of Aquitain. Alaric had left hind him an infant son, a bastard competitor, factious nobles, d a disloyal people; and the remaining forces of the Goths ere oppressed by the general consternation, or opposed to each her in civil discord. The victorious king of the Franks proeeded without delay to the siege of Angoulême. At the sound his trumpets the walls of the city imitated the example of richo, and instantly fell to the ground: a splendid miracle hich may be reduced to the supposition that some clerical gineers had secretly undermined the foundations of the mpart.[58] At Bordeaux, which had submitted without resistce, Clovis established his winter quarters; and his prudent onomy transported from Toulouse the royal treasures, which ere deposited in the capital of the monarchy. The conqueror enetrated as far as the confines of Spain;[59] restored the

[57] After correcting the text, or excusing the mistake, of Procopius, who places e defeat of Alaric near Carcassonne, we may conclude, from the evidence of egory, Fortunatis, and the author of the Gesta Francorum, that the battle was ght *in campo Vocladensi*, on the banks of the Clain [Vouillé, more than ten les from the river; see Longnon, Géographie de la Gaule au vime siècle, 576 .] about ten miles to the south [north] of Poitiers. Clovis overtook and acked the Visigoths near Vivonne, and the victory was decided near a village I named Champagné St. Hilaire. See the Dissertations of the Abbé le Bœuf, n. i. p. 304-331. [It is odd that Procopius should make Carcassonne the strategic ject of the Franks and the scene of the battle. He says that the treasures of the isigoths were there and seems to confound it with Tolosa. From what source l he draw? Καρκασιανή may have been besieged at a later stage of the war.]

[58] Angoulême is in the road from Poitiers to Bordeaux; and, although Gregory ays the siege, I can more readily believe that he confounded the order of history n that Clovis neglected the rules of war.

[59] Pyrenæos montes usque Perpinianum subjecit, is the expression of Rorico, ich betrays his recent date; since Perpignan did not exist before the tenth

honours of the Catholic church; fixed in Aquitain a colony o Franks;[60] and delegated to his lieutenants the easy task o subduing, or extirpating, the nation of the Visigoths. But th Visigoths were protected by the wise and powerful monarch o Italy. While the balance was still equal, Theodoric had perhap delayed the march of the Ostrogoths; but their strenuous effort [A.D. 508] successfully resisted the ambition of Clovis; and the army o the Franks and their Burgundian allies was compelled to rais the siege of Arles, with the loss, as it is said, of thirty thousan men. These vicissitudes inclined the fierce spirit of Clovis t acquiesce in an advantageous treaty of peace. The Visigoth were suffered to retain the possession of Septimania, a narro tract of sea-coast, from the Rhone to the Pyrenees; but th ample province of Aquitain, from those mountains to the Loir was indissolubly united to the kingdom of France.[61]

Consulship of Clovis. A.D. 510

After the success of the Gothic war, Clovis accepted th honours of the Roman consulship. The emperor Anastasiu ambitiously bestowed on the most powerful rival of Theodor the title and ensigns of that eminent dignity; yet, from som unknown cause, the name of Clovis has not been inscribed i the *Fasti* either of the East or West.[62] On the solemn day, th

century (Marca Hispanica, p. 458). This florid and fabulous writer (perhaps monk of Amiens: see the Abbé le Bœuf, Mém. de l'Académie, tom. xvii. p. 22 245) relates, in the *allegorical* character of a shepherd, the general history of h countrymen the Franks, but his narrative ends with the death of Clovis.

[60] The author of the Gesta Francorum positively affirms, that Clovis fixed body of Franks in the Saintonge and Bourdelois; and he is not injudicious followed by Rorico, electos milites atque fortissimos, cum parvulis, atque mulie bus. Yet it should seem that they soon mingled with the Romans of Aquitain, t Charlemagne introduced a more numerous and powerful colony (Dubos, His Critique, tom. ii. p. 215).

[61] In the composition of the Gothic war, I have used the following materia with due regard to their unequal value. Four epistles from Theodoric, king Italy (Cassiodor. l. iii. epist. 1-4 in tom. iv. p. 3-5 [cp. also the letter of Athalari Cassiodor. viii. 10]), Procopius (de Bell. Goth. l. i. c. 12, in tom. ii. p. 32, 3 Gregory of Tours (l. ii. c. 35, 36, 37, in tom. ii. p. 181-183). Jornandes (de Re Geticis, c. 58, in tom. ii. p. 28), Fortunatus (in Vit. St. Hilarii, in tom. iii. p. 38 Isidore (in Chron. Goth. in tom. ii. p. 702), the Epitome of Gregory of Tours tom. ii. p. 401), the author of the Gesta Francorum (in tom. ii. p. 553-555), t Fragments of Fredegarius (in tom. ii. p. 463), Aimoin (l. i. c. 20, in tom. iii. 41, 42), and Rorico (l. iv. in tom. iii. p. 14-19). [Also for siege of Arles: *V Cæsarii* in Bouquet, vol. iii. Further, the Gallic Chronicle of A.D. 511, e Mommsen, Chron. Min. i. p. 665; and the Chron. of Maximus of Cæsaraugus *ib.* ii. p. 223.]

[62] The *Fasti* of Italy would naturally reject a consul, the enemy of their so reign; but any ingenious hypothesis that might explain the silence of Constan nople and Egypt (the Chronicle of Marcellinus, and the Paschal) is overturned the similar silence of Marius, bishop of Avenche, who composed his *Fasti* in t

monarch of Gaul, placing a diadem on his head, was invested in the church of St. Martin, with a purple tunic and mantle. From thence he proceeded on horseback to the cathedral of Tours; and, as he passed through the streets, profusely scattered, with his own hand, a donative of gold and silver to the joyful multitude, who incessantly repeated their acclamations of *Consul* and *Augustus*. The actual, or legal, authority of Clovis, could not receive any new accessions from the consular dignity. It was a name, a shadow, an empty pageant; and, if the conqueror had been instructed to claim the ancient prerogatives of that high office, they must have expired with the period of its annual duration. But the Romans were disposed to revere, in the person of their master, that antique title, which the emperors condescended to assume; the Barbarian himself seemed to contract a sacred obligation to respect the majesty of the republic; and the successors of Theodosius, by soliciting his friendship, tacitly forgave, and almost ratified, the usurpation of Gaul.

Final establishment of the French monarchy in Gaul. A.D. 536

Twenty-five years after the death of Clovis, this important concession was more formally declared, in a treaty between his sons and the emperor Justinian. The Ostrogoths of Italy, unable to defend their distant acquisitions, had resigned to the Franks the cities of Arles and Marseilles: of Arles, still adorned with the seat of a Prætorian Præfect, and of Marseilles, enriched by the advantages of trade and navigation.[63] This transaction was confirmed by the Imperial authority; and Justinian, generously yielding to the Franks the sovereignty of the countries beyond the Alps which they already possessed, absolved the provincials

ngdom of Burgundy. If the evidence of Gregory of Tours were less weighty and positive (l. ii. c. 38, in tom. ii. p. 183), I could believe that Clovis, like Odoacer, received the lasting title and honours of *Patrician* (Pagi Critica, tom. ii. p. 474, 492). There is not the least probability in the theory, supported by Valesius, that Chlodwig was made a Patrician. Nor was he a consul. The solution of the difficulty is supplied by his title in the Prologue to the Lex Salica: *proconsolis* gis Chlodovechi; which harmonizes with Gregory's *tamquam* consul. Thus Chlodwig received the title of proconsul. Perhaps he asked for the consulship and was refused. Gregory states that the Emperor sent him "a letter about the consulate" (codicillos de consulatu). It may have offered the name proconsul instead of consul. At the same time the consular insignia were conferred. But what of Gregory's *aut Augustus?* It is difficult to believe that Anastasius would have granted to Chlodwig the highest title of all, or that, if he had, it would not have appeared in the Lex Salica.]

[63] Under the Merovingian kings, Marseilles still imported from the East paper, wine, oil, linen, silk, precious stones, spices, &c. The Gauls, or Franks, traded to Syria, and the Syrians were established in Gaul. See M. de Guignes, Mém. de l'Académie, tom. xxxvii. p. 471-475.

from their allegiance; and established on a more lawful, though not more solid, foundation the throne of the Merovingians.[64] From that æra, they enjoyed the right of celebrating, at Arles, the games of the Circus; and by a singular privilege, which was denied even to the Persian monarch, the *gold* coin, impressed with their name and image, obtained a legal currency in the empire.[65] A Greek historian of that age has praised the private and public virtues of the Franks, with a partial enthusiasm which cannot be sufficiently justified by their domestic annals.[66] He celebrates their politeness and urbanity, their regular government, and orthodox religion; and boldly asserts that these Barbarians could be distinguished only by their dress and language from the subjects of Rome. Perhaps the Franks already displayed the social disposition and lively graces, which in every age have disguised their vices and sometimes concealed their intrinsic merit. Perhaps Agathias and the Greeks were dazzled by the rapid progress of their arms and the splendour of their empire. Since the conquest of Burgundy, Gaul, except the Gothic province of Septimania, was subject, in its whole extent, to the sons of Clovis. They had extinguished the German kingdom of Thuringia, and their vague dominion penetrated beyond the Rhine into the heart of their native forests. The Alemanni and Bavarians who had occupied the Roman provinces of Rhætia and Noricum, to the south of the Danube, confessed themselves the humble vassals of the Franks; and the feeble barrier of the Alps was incapable of resisting their ambition. When the last survivor of the sons of Clovis united the inheritance and conquests of the Merovingians, his kingdom extended far beyond the limits of modern France. Yet modern France, such has been

[64] Οὐ γάρ ποτε ὤοντο Γαλλίας ξὺν τῷ ἀσφαλεῖ κεκτῆσθαι Φράγγοι, μὴ τοῦ αὐτοκράτορος τὸ ἔργον ἐπισφραγίσαντος τοῦτο γε. This strong declaration of Procopius (de Bell. Gothic. l. iii. cap. 33, in tom. ii. p. 41) would almost suffice to justify the Abbé Dubos.

[65] The Franks, who probably used the mints of Treves, Lyons, and Arles, imitated the coinage of the Roman emperors of seventy-two *solidi*, or pieces, to the pound of gold [thus 72 solidi = £45]. But, as the Franks established only a decuple proportion of gold and silver, ten shillings will be a sufficient valuation of their solidus of gold. It was the common standard of the Barbaric fines, and contained forty *denarii*, or silver threepences. Twelve of these denarii made a *solidus*, or shilling, the twentieth part of the ponderal and numeral *livre*, or pound of silver, which has been so strangely reduced in modern France. See Le Blanc, Traité Historique des Monnoyes de France, p. 37-43, &c.

[66] Agathias, in tom. ii. p. 47 [i. 2]. Gregory of Tours exhibits a very different picture. Perhaps it would not be easy, within the same historical space, to find more vice and less virtue. We are continually shocked by the union of savage and corrupt manners.

he progress of arts and policy, far surpasses in wealth, popu- ousness, and power the spacious but savage realms of Clotaire r Dagobert.[67]

Political controversy

The Franks, or French, are the only people of Europe who an deduce a perpetual succession from the conquerors of the Vestern empire. But their conquest of Gaul was followed by en centuries of anarchy and ignorance. On the revival of earning, the students who had been formed in the schools of Athens and Rome disdained their Barbarian ancestors; and a ong period elapsed before patient labour could provide the equisite materials to satisfy, or rather to excite, the curiosity of nore enlightened times.[68] At length the eye of criticism and hilosophy was directed to the antiquities of France; but even hilosophers have been tainted by the contagion of pre- udice and passion. The most extreme and exclusive systems of he personal servitude of the Gauls, or of their voluntary and qual alliance with the Franks, have been rashly conceived and bstinately defended; and the intemperate disputants have ccused each other of conspiring against the prerogative of the rown, the dignity of the nobles, or the freedom of the people. et the sharp conflict has usefully exercised the adverse powers f learning and genius; and each antagonist, alternately van- uished and victorious, has extirpated some ancient errors, and stablished some interesting truths. An impartial stranger, structed by their discoveries, their disputes, and even their ults, may describe, from the same original materials, the state f the Roman provincials, after Gaul had submitted to the arms nd laws of the Merovingian kings.[69]

[67] M. de Foncemagne has traced, in a correct and elegant dissertation (Mém. l'Académie, tom. viii. p. 505-528), the extent and limits of the French narchy.

[68] The Abbé Dubos (Histoire Critique, tom. i. p. 29-36) has truly and agreeably presented the slow progress of these studies; and he observes that Gregory of ours was only once printed before the year 1560. According to the complaint Heineccius (Opera, tom. iii. Sylloge iii. p. 248, &c.), Germany received with difference and contempt the codes of Barbaric laws, which were published by eroldus, Lindenbrogius, &c. At present those laws (as far as they relate to ul), the history of Gregory of Tours, and all the monuments of the Merovingian ce, appear in a pure and perfect state, in the first four volumes of the Historians France.

[69] In the space of thirty years (1728-1765) this interesting subject has been itated by the free spirit of the Count de Boulainvilliers (Mémoires Historiques r l'Etat de la France, particularly tom. i. p. 15-49), the learned ingenuity of the bbé Dubos (Histoire Critique de l'Etablissement de la Monarchie Françoise dans Gaules, 2 vols. in 4to), the comprehensive genius of the president de Montes- ieu (Esprit des Loix, particularly l. xxviii. xxx. xxxi.), and the good sense d diligence of the Abbé de Mably (Observations sur l'Histoire de France, 2 vols, mo).

Laws of the Barbarians

The rudest, or the most servile, condition of human society is regulated however by some fixed and general rules. When Tacitus surveyed the primitive simplicity of the Germans, he discovered some permanent maxims, or customs, of public and private life, which were preserved by faithful tradition till the introduction of the art of writing and of the Latin tongue.[70] Before the election of the Merovingian kings, the most powerful tribe, or nation, of the Franks appointed four venerable chieftains to compose the *Salic* laws;[71] and their labours were examined and approved in three successive assemblies of the people. After the baptism of Clovis, he reformed several articles that appeared incompatible with Christianity; the Salic law was again amended by his sons; and at length, under the reign of Dagobert, the code was revised and promulgated in its actual form, one hundred years after the establishment of the French monarchy. Within the same period, the customs of the *Ripuarians* were transcribed and published; and Charlemagne himself, the legislator of his age and country, had accurately studied the *two* national laws which still prevailed among the Franks.[72] The same care was extended to their vassals; and the rude institutions of the *Alemanni* and *Bavarians* were diligently compiled and

[70] I have derived much instruction from two learned works of Heineccius, the *History*, and the *Elements*, of the Germanic law. In a judicious preface to the Elements he considers, and tries to excuse, the defects of that barbarous jurisprudence.

[71] Latin appears to have been the original language of the Salic law. [So Waitz Verfassungsgeschichte, 2, p. 89.] It was probably composed in the beginning o the fifth century, before the æra (A.D. 421) of the real or fabulous Pharamond The preface mentions the four Cantons which produced the four legislators; and many provinces, Francovia, Saxony, Hanover, Brabant, &c. have claimed them a their own. See an excellent Dissertation of Heineccius, de Lege Salicâ, tom. iii Sylloge iii. p. 247-267. [There is little trace of Roman, and none of Christian influence in the Lex Salica; and the probability is that the original edition wa composed in the Salic land. The four legislators have a legendary sound.]

[72] Eginhard, in Vit. Caroli Magni, c. 29, in tom. v. p. 100. By these two laws most critics understand the Salic and the Ripuarian. The former extended fro the Carbonarian forest to the Loire (tom. iv. p. 151), and the latter might b obeyed from the same forest to the Rhine (tom. iv. p. 222). [On the Lex Ribuaria se Sohm's edition, 1883, and his dissertation *Ueber die Entstehung der Lex Ribuari* (Ztsch. für Rechtsgesch., v. 380 *sqq.*). It admits of analysis into four parts, of whic the first (titles 1-31) seems to belong to the early 6th century, the second (taken fro the Salic Law) to the end of the 6th century, the third to the 7th, and the fourt to the 8th century. This and all the later codes exhibit, when compared with th Lex Salica, the change which had taken place in the position of the king—a chang which was the work of Chlodwig—through the significant formulæ *jubemus, co stituimus*, &c. The origin of the Lex Rib. is generally connected with the Low Rhine; but J. Ficker has recently sought it on the Upper Mosel. Mittheil. Ins Oesterr. Gesch.-Forsch., Ergänz. Band, v. i. The short code of Amor, or Ham land, the small territory which lay between Frisians, Ripuarians and Saxon represents the modification which the Lex Ribuaria underwent there. It is know as the Lex Chamavorum, and is edited by Sohm along with the Lex Ribuaria.]

ratified by the supreme authority of the Merovingian kings. The *Visigoths* and *Burgundians*, whose conquests in Gaul preceded those of the Franks, shewed less impatience to attain one of the principal benefits of civilized society. Euric was the first of the Gothic princes who expressed in writing the manners and customs of his people; and the composition of the Burgundian laws was a measure of policy rather than of justice: to alleviate the yoke and regain the affections of their Gallic subjects.[73] Thus, by a singular coincidence, the Germans framed their artless institutions at a time when the elaborate system of Roman jurisprudence was finally consummated. In the Salic laws and the Pandects of Justinian we may compare the first rudiments and the full maturity of civil wisdom; and, whatever prejudices may be suggested in favour of Barbarism, our calmer reflections will ascribe to the Romans the superior advantages, not only of science and reason, but of humanity and justice. Yet the laws of the Barbarians were adapted to their wants and desires, their occupations, and their capacity; and they all contribute to preserve the peace, and promote the improvements, of the society for whose use they were originally established. The Merovingians, instead of imposing an uniform rule of conduct on their various subjects, permitted each people, and each family of their empire, freely to enjoy their domestic institutions;[74] nor were the Romans excluded from the common benefits of this legal toleration.[75] The children embraced the *law* of their parents, the wife that of her husband, the freedman that of his patron; and, in all causes, where the parties were of different nations, the plaintiff, or accuser,

[73] Consult the ancient and modern prefaces of the several Codes, in the fourth volume of the Historians of France. The original prologue to the Salic law expresses (though in a foreign dialect) the genuine spirit of the Franks, more forcibly than the ten books of Gregory of Tours. [The Lex Burgundionum (ed. Bluhme) and the Lex Alamannorum (which has come down in a fragmentary state) will be found in vol. iii. of the *Leges* in the Mon. Germ. Hist.; the Lex Bajuwariorum in the same vol. (ed. Merkel), and the Lex Frisionum (ed. Richthofen). Vol. v. contains the much later Lex Angliorum et Werinorum id est Thuringorum (ed. Richthofen); see Stubbs, Const. Hist. of England, vol. i. p. 50.]

[74] The Ripuarian law declares and defines this indulgence in favour of the plaintiff (tit. xxxi. [§ 3] in tom. iv. p. 240), and the same toleration is understood, or expressed, in all the Codes, except that of the Visigoths of Spain. Tanta diversitas legum (says Agobard in the ninth century) quanta non solum in [singulis] regionibus, aut civitatibus, sed etiam in multis domibus habetur. Nam plerumque contingit ut simul eant aut sedeant quinque homines, et nullus eorum communem legem cum altero habeat (in tom. vi. p. 356). He foolishly proposes to introduce an uniformity of law, as well as of faith.

[75] Inter Romanos negotia causarum Romanis legibus præcipimus terminari. Such are the words of a general constitution promulgated by Clotaire, the son of Clovis, and sole monarch of the Franks (in tom. iv. p. 116) about the year 560.

was obliged to follow the tribunal of the defendant, who may always plead a judicial presumption of right or innocence. A more ample latitude was allowed, if every citizen, in the presence of the judge, might declare the law under which he desired to live and the national society to which he chose to belong. Such an indulgence would abolish the partial distinctions of victory, and the Roman provincials might patiently acquiesce in the hardships of their condition; since it depended on themselves to assume the privilege, if they dared to assert the character, of free and warlike Barbarians.[76]

Pecuniary fines for homicide

When justice inexorably requires the death of a murderer, each private citizen is fortified by the assurance that the laws, the magistrate, and the whole community are the guardians of his personal safety. But in the loose society of the Germans revenge was always honourable, and often meritorious; the independent warrior chastised, or vindicated, with his own hand, the injuries which he had offered, or received; and he had only to dread the resentment of the sons, and kinsmen, of the enemy whom he had sacrificed to his selfish or angry passions. The magistrate, conscious of his weakness, interposed, not to punish, but to reconcile; and he was satisfied if he could persuade, or compel, the contending parties to pay, and to accept, the moderate fine which had been ascertained as the price of blood.[77] The fierce spirit of the Franks would have opposed a more rigorous sentence; the same fierceness despised these ineffectual restraints; and, when their simple manners had been corrupted by the wealth of Gaul, the public peace was continually violated by acts of hasty or deliberate guilt. In every just government the same penalty is inflicted, or at least is imposed, for the

[76] This liberty of choice has been aptly deduced (Esprit des Loix, l. xxviii. 2 from a constitution of Lothaire I. (Leg. Langobard, l. ii. tit. lvii. in Codex Linde brog. p. 664), though the example is too recent and partial. From a various reading in the Salic law (tit. xliv. not. xlv.) [tit. xli. (xliv. ed. Herold.), col. 244-51 ed. Hessels] the Abbé de Mably (tom. i. p. 290-293) has conjectured that, at first a *Barbarian* only, and afterwards any man (consequently a Roman), might live ac cording to the law of the Franks. I am sorry to offend this ingenious conjecture by observing that the stricter sense (*Barbarum*) is expressed in the reformed copy of Charlemagne, which is confirmed by the Royal and Wolfenbuttle Mss. The looser interpretation (*hominem*) is authorized only by the Ms. of Fulda from whence Heroldus published his edition [A.D. 1557]. See the four original texts of the Salic law, in tom. iv. p. 147, 173, 196, 220. [Out of numerous editions of the Lex Salica in the present century, it is enough to mention here that of J. H. Hessels (1880).]

[77] In the heroic times of Greece, the guilt of murder was expiated by a pecuniary satisfaction to the family of the deceased (Feithius, Antiquitat. Homeric. l. ii. c. 8) Heineccius, in his preface to the Elements of Germanic Law, favourably suggests that at Rome and Athens homicide was only punished with exile. It is true; but exile was a *capital* punishment for a citizen of Rome or Athens.

murder of a peasant or a prince. But the national inequality established by the Franks, in their criminal proceedings, was the last insult and abuse of conquest.[78] In the calm moments of legislation, they solemnly pronounced that the life of a Roman was of smaller value than that of a Barbarian. The *Antrustion*,[79] a name expressive of the most illustrious birth or dignity among the Franks, was appreciated at the sum of six hundred pieces of gold; while the noble provincial, who was admitted to the king's table, might be legally murdered at the expense of three hundred pieces. Two hundred were deemed sufficient for a Frank of ordinary condition; but the meaner Romans were exposed to disgrace and danger by a trifling compensation of one hundred, or even fifty, pieces of gold. Had these laws been regulated by any principle of equity or reason, the public protection should have supplied in just proportion the want of personal strength. But the legislator had weighed in the scale, not of justice, but of policy, the loss of a soldier against that of a slave; the head of an insolent and rapacious Barbarian was guarded by an heavy fine; and the slightest aid was afforded to the most defenceless subjects. Time insensibly abated the pride of the conquerors and the patience of the vanquished; and the boldest citizen was taught by experience that he might suffer more injuries than he could inflict. As the manners of the Franks became less ferocious, their laws were rendered more severe; and the Merovingian kings attempted to imitate the impartial rigour of the Visigoths and Bur-

[78] This proportion is fixed by the Salic (tit. xliv. in tom. iv. p. 147), and the Ripuarian (tit. vii. xi. xxxvi. in tom. iv. p. 237, 241), laws; but the latter does not distinguish any difference of Romans. Yet the orders of the clergy are placed above the Franks themselves, and the Burgundians and Alemanni between the Franks and the Romans.

[79] The *Antrustiones, qui in truste Dominicâ sunt, leudi, fideles*, undoubtedly represent the first order of Franks; but it is a question whether their rank was personal, or hereditary. The Abbé de Mably (tom. i. p. 334-347) is not displeased to mortify the pride of birth (Esprit. l. xxx. c. 25), by dating the *origin* of French nobility from the reign of Clotaire II. (A.D. 615). [The antrustions were the members of the king's *trustis* or comitatus. Elevation to the position is thus described by Venantius Fortunatus, 7, 16: Jussit et egregios inter residere potentes, convivam reddens, proficiente gradu. The antrustions must be distinguished from the *fideles* and *leudes*. The fideles were all subjects who had taken the oath to the king; the leudes were the more important of the fideles, and thus *included* the antrustions. We find the leudes contrasted (1) with men of no influence and (2) with powerful ecclesiastics. Their position in regard to the king had nothing to do with commendation. Those who "commended" themselves were termed the king's *vassi*, or *homines*, "vassals". Compare Waitz, Deutsche Verfassungsgeschichte, ii. 1, 348, *sqq.* The origin of vassaldom has nothing to do with the comitatus. The rank of the antrustion was personal, not hereditary. Cp. Waitz, *ib.* p. 340.]

gundians.[80] Under the empire of Charlemagne, murder wa universally punished with death; and the use of capital punish ments has been liberally multiplied in the jurisprudence o modern Europe.[81]

Judgments of God

The civil and military professions, which had been separate by Constantine, were again united by the Barbarians. Th harsh sound of the Teutonic appellations was mollified int the Latin titles of Duke, of Count, or of Præfect;[82] and the sam officer assumed, within his district, the command of the troop and the administration of justice.[83] But the fierce and illiterat chieftain was seldom qualified to discharge the duties of a judge which require all the faculties of a philosophic mind, laboriousl cultivated by experience and study; and his rude ignoranc was compelled to embrace some simple and visible methods o ascertaining the cause of justice. In every religion, the Deit has been invoked to confirm the truth, or to punish the false hood, of human testimony; but this powerful instrument wa misapplied and abused by the simplicity of the German legis lators. The party accused might justify his innocence by pro

[80] See the Burgundian laws (tit. ii. in tom. iv. p. 257), the Code of the Vis goths (l. vi. tit. v. in tom. iv. p. 384), and the constitution of *Childebert*, not Paris, but most evidently of Austrasia (in tom. iv. p. 112). Their prematu severity was sometimes rash, and excessive. Childebert condemned not on murderers but robbers; quomodo sine lege involavit, sine lege moriatur; an even the negligent judge was involved in the same sentence. The Visigot abandoned an unsuccessful surgeon to the family of his deceased patient, ut quo de eo facere voluerint habeant potestatem (l. xi. tit. i. in tom. iv. p. 435).

[81] See, in the sixth volume of the works of Heineccius, the Elementa Jur Germanici, l. ii. p. ii. No. 261, 262, 280-283. Yet some vestiges of these pecunia compositions for murder have been traced in Germany as late as the sixteen century.

[82] [The count appears as the king's officia lrepresentative, opposed to the du who is the native lord of the *Gau*. The Teutonic name of the Count was garafi or gerefa (German *graf*, English *reeve*); no satisfactory derivation of the name h yet been found, and it was not common to all the German peoples. Thus amor the Lombards we do not find reeves, but gastalds. The opposition which meet in England between the reeve and ealdorman, in the Lombard kingdo between the gastald and duke, is not found among the Merovingian Franks. the Frank kingdom the duke disappears (except in the case of Bavaria) and t count has undivided authority over the Gau. The dukes whom we do find Merovingian history have a totally different origin from that of the Lomba dukes. Several provinces (Gaue) were sometimes temporarily united to form single government, under a royal officer, to whom the title *dux* was given, and whom the counts of the provinces were subordinate. For the title praefectus s below, note 121.]

[83] The whole subject of the Germanic judges and their jurisdiction is copiou treated by Heineccius (Element. Jur. Germ. l. iii. No. 1-72). I cannot find a proof that, under the Merovingian race, the *scabini*, or assessors, were chosen the people. [The name does not appear till Carolingian times.]

ducing before their tribunal a number of friendly witnesses, who solemnly declared their belief, or assurance, that he was not guilty. According to the weight of the charge, this legal number of *compurgators* was multiplied; seventy-two voices were required to absolve an incendiary or assassin: and, when the chastity of a queen of France was suspected, three hundred gallant nobles swore, without hesitation, that the infant prince had been actually begotten by her deceased husband.[84] The sin and scandal of manifest and frequent perjuries engaged the magistrates to remove these dangerous temptations; and to supply the defects of human testimony by the famous experiments of fire and water. These extraordinary trials were so capriciously contrived that in some cases guilt, and innocence in others, could not be proved without the interposition of a miracle. Such miracles were readily provided by fraud and credulity; the most intricate causes were determined by this easy and infallible method; and the turbulent Barbarians, who might have disdained the sentence of the magistrate, submissively acquiesced in the judgment of God.[85]

Judicial combats

But the trials by single combat gradually obtained superior credit and authority among a warlike people, who could not believe that a brave man deserved to suffer, or that a coward deserved to live.[86] Both in civil and criminal proceedings, the plaintiff, or accuser, the defender, or even the witness, were exposed to mortal challenge from the antagonist who was destitute of legal proofs; and it was incumbent on them either to desert their cause or publicly to maintain their honour in the lists of battle. They fought either on foot or on horseback, according to the custom of their nation;[87] and the decision of the sword

[84] Gregor. Turon. l. viii. c. 9, in tom. ii. p. 316. Montesquieu observes (Esprit des Loix, l. xxviii. c. 13) that the Salic law did not admit these *negative proofs* so universally established in the Barbaric codes. Yet this obscure concubine (Fredegundis) who became the wife of the grandson of Clovis must have followed the Salic law.

[85] Muratori, in the Antiquities of Italy, has given two Dissertations (xxxviii. xxxix.) on the *judgments of God*. It was expected that *fire* would not burn the innocent; and that the pure element of *water* would not allow the guilty to sink into its bosom.

[86] Montesquieu (Esprit des Loix, l. xxviii. c. 17) has condescended to explain and excuse "la manière de penser de nos pères," on the subject of judicial combats. He follows this strange institution from the age of Gundobald to that of St. Lewis; and the philosopher is sometimes lost in the legal antiquarian.

[87] In a memorable duel at Aix-la-Chapelle (A.D. 820), before the emperor Lewis the Pious, his biographer observes, secundum legem propriam, utpote quia uterque Gothus erat, equestri pugnâ [*leg.* proelio] congressus est (Vit. Lud. Pii, c. 33, in [Bouquet], tom. vi. p. 103). Ermoldus Nigellus (l. iii. 543-628, in tom. vi. p. 48-50), who describes the duel, admires the *ars nova* of fighting on horseback, which was unknown to the Franks.

or lance was ratified by the sanction of Heaven, of the judge and of the people. This sanguinary law was introduced int Gaul by the Burgundians; and their legislator Gundobald [88] condescended to answer the complaints and objections of hi subject Avitus. "Is it not true," said the king of Burgund to the bishop, "that the event of national wars, and privat combats, is directed by the judgment of God; and that his pro vidence awards the victory to the juster cause?" By such pre vailing arguments, the absurd and cruel practice of judicia duels, which had been peculiar to some tribes of Germany, wa propagated and established in all the monarchies of Europe from Sicily to the Baltic. At the end of ten centuries, the reig of legal violence was not totally extinguished; and the in effectual censures of saints, of popes, and of synods may seer to prove that the influence of superstition is weakened by it unnatural alliance with reason and humanity. The tribuna were stained with the blood, perhaps, of innocent and re spectable citizens; the law, which now favours the rich, the yielded to the strong; and the old, the feeble, and the infir were condemned either to renounce their fairest claims an possessions, to sustain the dangers of an unequal conflict,[89] to trust the doubtful aid of a mercenary champion. This op pressive jurisprudence was imposed on the provincials of Gau who complained of any injuries in their persons and property Whatever might be the strength or courage of individual the victorious Barbarians excelled in the love and exercise arms; and the vanquished Roman was unjustly summoned t repeat, in his own person, the bloody contest which had bee already decided against his country.[90]

[88] In his original edict, published at Lyons (A.D. 501), Gundobald establish and justifies the use of judicial combat (Leg. Burgund. tit. xlv. in tom. ii. 267-268). Three hundred years afterwards, Agobard, bishop of Lyons, solicit Lewis the Pious to abolish the law of an Arian tyrant (in tom. vi. p. 356-35 He relates the conversation of Gundobald and Avitus.

[89] "Accidit (says Agobard) ut non solum valentes viribus, sed etiam infirmi senes lacessantur ad [certamen et] pugnam, etiam pro vilissimis rebus. Quib foralibus certaminibus contingunt homicidia injusta; et crudeles ac perversi event judiciorum." Like a prudent rhetorician, he suppresses the legal privilege hiring champions.

[90] Montesquieu (Esprit des Loix, xxviii. c. 14), who understands *why* t judicial combat was admitted by the Burgundians, Ripuarians, Aleman Bavarians, Lombards, Thuringians, Frisons, and Saxons, is satisfied (a Agobard seems to countenance the assertion) that it was not allowed by the Sa law. Yet the same custom, at least in cases of treason, is mentioned by Ermold Nigellus (l. iii. 543, in tom. vi. p. 48), and the anonymous biographer of Lev the Pious (c. 46, in tom. vi. p. 112), as the "mos antiquus Francorum, m Francis solito," &c., expressions too general to exclude the noblest of their tribe

Division of lands by the Barbarians

A devouring host of one hundred and twenty thousand Germans had formerly passed the Rhine under the command of Ariovistus. One third part of the fertile lands of the Sequani was appropriated to their use; and the conqueror soon repeated his oppressive demand of another third, for the accommodation of a new colony of twenty-four thousand Barbarians, whom he had invited to share the rich harvest of Gaul.[91] At the distance of five hundred years, the Visigoths and Burgundians, who revenged the defeat of Ariovistus, usurped the same unequal proportion of *two-thirds* of the subject lands. But this distribution, instead of spreading over the province, may be reasonably confined to the peculiar districts where the victorious people had been planted by their own choice or by the policy of their leader. In these districts, each Barbarian was connected by the ties of hospitality with some Roman provincial. To this unwelcome guest, the proprietor was compelled to abandon two-thirds of his patrimony; but the German, a shepherd and a hunter, might sometimes content himself with a spacious range of wood and pasture, and resign the smallest, though most valuable, portion to the toil of the industrious husbandman.[92] The silence of ancient and authentic testimony has encouraged an opinion that the rapine of the *Franks* was not moderated, or disguised, by the forms of legal division; that they dispersed themselves over the provinces of Gaul, without order or control; and that each victorious robber, according to his wants, his avarice, and his strength, measured, with his sword, the extent of his new inheritance. At a distance from their sovereign, the Barbarians might indeed be tempted to exercise such arbitrary depredation; but the firm and artful policy of Clovis must curb a licentious spirit, which would aggravate the misery of the vanquished, whilst it corrupted the union and discipline of the conquerors. The memorable vase of Soissons is a monument, and a pledge, of the regular distribution of the Gallic spoils. It was the duty, and the interest, of Clovis to provide rewards for a successful army, and settlements for a numerous people; without inflicting any

[91] Cæsar de Bell. Gall. l. i. c. 31, in tom. i. p. 213.

[92] The obscure hints of a division of lands occasionally scattered in the laws of the Burgundians (tit. liv. No. 1, 2, in tom. iv. p. 271, 272) and Visigoths (l. x. tit. i. No. 8, 9, 16, in tom. iv. p. 428, 429, 430) are skilfully explained by the president Montesquieu (Esprit des Loix, l. xxx. c. 7, 8, 9). I shall only add that, among the Goths, the division seems to have been ascertained by the judgment of the neighbourhood; that the Barbarians frequently usurped the remaining *third;* and that the Romans might recover their right unless they were barred by a prescription of fifty years.

wanton or superfluous injuries on the royal catholics of Gaul. The ample fund, which he might lawfully acquire, of the Imperial patrimony, vacant lands, and Gothic usurpations, would diminish the cruel necessity of seizure and confiscation; and the humbled provincials would more patiently acquiesce in the equal and regular distribution of their loss.[93]

Domain and benefices of the Merovingians

The wealth of the Merovingian princes consisted in their extensive domain. After the conquest of Gaul, they still delighted in the rustic simplicity of their ancestors; the cities were abandoned to solitude and decay; and their coins, their charters, and their synods are still inscribed with the names of the villas or rural palaces, in which they successively resided. One hundred and sixty of these *palaces*, a title which need not excite any unseasonable ideas of art or luxury, were scattered through the provinces of their kingdom; and, if some might claim the honours of a fortress, the far greater part could be esteemed only in the light of profitable farms. The mansion of the long-haired kings was surrounded with convenient yards and stables for the cattle and the poultry; the garden was planted with useful vegetables; the various trades, the labours of agriculture, and even the arts of hunting and fishing were exercised by servile hands for the emolument of the sovereign; his magazines were filled with corn and wine, either for sale or consumption, and the whole administration was conducted by the strictest maxims of private economy.[94] This ample patrimony was appropriated to supply the hospitable plenty of Clovis and his successors, and to reward the fidelity of their brave companions, who, both in peace and war, were devoted to their personal service. Instead of an horse, or a suit of armour, each companion, according to his rank or merit or favour, was invested with a *benefice*, the primitive name, and most simple form, of the feudal possessions. These gifts might be resumed at the pleasure of the sovereign; and his feeble prerogative derived some support

[93] It is singular enough that the president de Montesquieu (Esprit des Loix, xxx. c. 7) and the Abbé de Mably (Observations, tom. i. p. 21, 22) agree in the strange supposition of arbitrary and private rapine. The count de Boulainvilliers (Etat de la France, tom. i. p. 22, 23) shews a strong understanding, through a cloud of ignorance and prejudice.

[94] See the rustic edict, or rather code, of Charlemagne, which contains seventy distinct and minute regulations of that great monarch (in tom. v. p. 652-657). He requires an account of the horns and skins of the goats, allows his fish to be sold, and carefully directs that the larger villas (*Capitaneae*) shall maintain one hundred hens and thirty geese; and the smaller (*Mansionales*) fifty hens and twelve geese. Mabillon (de Re Diplomaticâ) has investigated the names, the number, and the situation of the Merovingian villas.

from the influence of his liberality. But this dependent tenure was gradually abolished[95] by the independent and rapacious nobles of France, who established the perpetual property, and hereditary succession, of their benefices: a revolution salutary to the earth, which had been injured, or neglected, by its precarious masters.[96] Besides these royal and beneficiary estates, a large proportion had been assigned, in the division of Gaul, of *allodial* and *Salic* lands; they were exempt from tribute, and the Salic lands were equally shared among the male descendants of the Franks.[97]

Private usurpations

In the bloody discord and silent decay of the Merovingian line, a new order of tyrants arose in the provinces, who, under the appellation of *Seniors*, or Lords, usurped a right to govern, and a licence to oppress, the subjects of their peculiar territory. Their ambition might be checked by the hostile resistance of an equal: but the laws were extinguished; and the sacrilegious Barbarians, who dared to provoke the vengeance of a saint or bishop,[98] would seldom respect the landmarks of a profane and defenceless neighbour. The common, or public, rights of nature, such as they had always been deemed by the Roman jurisprudence,[99] were severely restrained by the German conquerors, whose amusement, or rather passion, was the exercise of hunting. The vague dominion which MAN has assumed over the wild inhabitants of the earth, the air, and the waters, was confined to some fortunate individuals of the human species. Gaul was again overspread with woods; and the animals, who were reserved for the use, or pleasure, of the lord, might ravage, with impunity, the fields of his industrious vassals. The chase was the sacred privilege of the nobles, and their domestic servants.

[95] From a passage of the Burgundian law (tit. i. No. 4, in tom. iv. p. 257) it is evident that a deserving son might expect to hold the lands which his father had received from the royal bounty of Gundobald. The Burgundians would firmly maintain their privilege, and their example might encourage the beneficiaries of France.

[96] The revolutions of the benefices and fiefs are clearly fixed by the Abbé de Mably. His accurate distinction of *times* gives him a merit to which even Montesquieu is a stranger.

[97] See the Salic law (tit. lxii. in tom. iv. p. 156). The origin and nature of these Salic lands, which in times of ignorance were perfectly understood, now perplex our most learned and sagacious critics.

[98] Many of the two hundred and six miracles of St. Martin (Greg. Turon. in Maximâ Bibliothecâ Patrum, tom. xi. p. 896-932) were repeatedly performed to punish sacrilege. Audite hæc omnes (exclaims the bishop of Tours) potestatem tabentes, after relating, how some horses run mad that had been turned into a sacred meadow.

[99] Heinec. Element. Jur. German. l. ii. p. 1, No. 8.

Plebeian transgressors were legally chastised with stripes and imprisonment;[100] but, in an age which admitted a slight composition for the life of a citizen, it was a capital crime to destroy a stag or a wild bull within the precincts of the royal forests.[101]

Personal servitude

According to the maxims of ancient war, the conqueror became the lawful master of the enemy whom he had subdued and spared;[102] and the fruitful cause of personal slavery, which had been almost suppressed by the peaceful sovereignty of Rome, was again revived and multiplied by the perpetual hostilities of the independent Barbarians. The Goth, the Burgundian, or the Frank, who returned from a successful expedition, dragged after him a long train of sheep, of oxen, and of human captives, whom he treated with the same brutal contempt. The youths of an elegant form and ingenuous aspect were set apart for the domestic service: a doubtful situation, which alternately exposed them to the favourable or cruel impulse of passion. The useful mechanics and servants (smiths, carpenters, tailors, shoemakers, cooks, gardeners, dyers, and workmen in gold and silver, &c.) employed their skill for the use or profit of their master. But the Roman captives who were destitute of art, but capable of labour, were condemned, without regard to their former rank, to tend the cattle and cultivate the lands of the Barbarians. The number of the hereditary bondsmen who were attached to the Gallic estates was continually increased by new supplies; and the servile people, according to the situation and temper of their lords, was sometimes raised by precarious indulgence, and more frequently depressed by capricious despotism.[103] An absolute power of life and death was exercised

[100] Jonas, bishop of Orleans (A.D. 821-826. Cave, Hist. Litteraria, p. 443) censures the *legal* tyranny of the nobles. Pro feris, quas cura hominum non aluit sed Deus in commune mortalibus ad utendum concessit, pauperes a potentioribus spoliantur, flagellantur, ergastulis detruduntur, et multa alia patiuntur. Hoc enim qui faciunt, *lege mundi* se facere juste posse contendant. De Institutione Laicorum, l. ii. c. 23, apud Thomassin, Discipline de l'Eglise, tom. iii. p. 1348.

[101] On a mere suspicion, Chundo, a chamberlain of Gontran, king of Burgundy, was stoned to death (Greg. Turon. l. x. c. 10, in tom. ii. p. 369). John of Salisbury (Policrat. l. i. c. 4) asserts the rights of nature, and exposes the cruel practice of the twelfth century. See Heineccius, Elem. Jur. Germ. l. ii. p. 1, No. 51-57.

[102] The custom of enslaving prisoners of war was totally extinguished in the thirteenth century, by the prevailing influence of Christianity; but it might be proved, from frequent passages of Gregory of Tours, &c. that it was practised without censure under the Merovingian race; and even Grotius himself (de Jure Belli et Pacis, l. iii. c. 7), as well as his commentator Barbeyrac, have laboured to reconcile it with the laws of nature and reason.

[103] The state, professions, &c. of the German, Italian, and Gallic slaves, during the middle ages, are explained by Heineccius (Element. Jur. Germ. l. i. No. 28-43), Muratori (Dissertat. xiv. xv.), Ducange (Gloss. sub voce *Servi*), and the Abbé de Mably (Observations, tom. ii. p. 3, &c. p. 237, &c.).

by these lords; and, when they married their daughters, a train of useful servants, chained on the waggons to prevent their escape, was sent as a nuptial present into a distant country.[104] The majesty of the Roman laws protected the liberty of each citizen, against the rash effects of his own distress or despair. But the subjects of the Merovingian kings might alienate their personal freedom; and this act of legal suicide, which was familiarly practised, is expressed in terms most disgraceful and afflicting to the dignity of human nature.[105] The example of the poor, who purchased life by the sacrifice of all that can render life desirable, was gradually imitated by the feeble and the devout, who, in times of public disorder, pusillanimously crowded to shelter themselves under the battlements of a powerful chief, and around the shrine of a popular saint. Their submission was accepted by these temporal, or spiritual, patrons; and the hasty transaction irrecoverably fixed their own condition, and that of their latest posterity. From the reign of Clovis, during five successive centuries, the laws and manners of Gaul uniformly tended to promote the increase, and to confirm the duration, of personal servitude. Time and violence almost obliterated the intermediate ranks of society, and left an obscure and narrow interval between the noble and the slave. This arbitrary and recent division has been transformed by pride and prejudice into a *national* distinction, universally established by the arms and the laws of the Merovingians. The nobles, who claimed their genuine, or fabulous, descent from the independent and victorious Franks, have asserted, and abused, the indefeasible right of conquest, over a prostrate crowd of slaves and plebeians, to whom they imputed the imaginary disgrace of a Gallic, or Roman, extraction.

Example Auvergne

The general state and revolutions of *France*, a name which was imposed by the conquerors, may be illustrated by the particular example of a province, a diocese, or a senatorial family. Auvergne had formerly maintained a just pre-eminence among the independent states and cities of Gaul. The brave and

[104] Gregory of Tours (l. vi. c. 45, in tom. ii. p. 289) relates a memorable example, in which Chilperic only abused the private rights of a master. Many families, which belonged to his *domus fiscales* in the neighbourhood of Paris, were forcibly sent away into Spain.

[105] Licentiam habeatis mihi qualemcunque volueritis disciplinam ponere; vel venumdare, aut quod vobis placuerit de me facere. Marculf. Formul. l. ii. 28, in tom. iv. p. 497. The *Formula* of Lindenbrogius (p. 559) and that of Anjou (p. 565) are to the same effect. Gregory of Tours (l. vii. c. 45, in tom. ii. p. 311) speaks of many persons who sold themselves for bread in a great famine.

numerous inhabitants displayed a singular trophy: the sword o Cæsar himself, which he had lost when he was repulsed befor the walls of Gergovia.[106] As the common offspring of Troy they claimed a fraternal alliance with the Romans;[107] and, i each province had imitated the courage and loyalty of Auvergne the fall of the Western empire might have been prevented, o delayed. They firmly maintained the fidelity which they ha reluctantly sworn to the Visigoths; but, when their braves nobles had fallen in the battle of Poitiers, they accepted, withou resistance, a victorious and catholic sovereign. This easy an valuable conquest was achieved, and possessed, by Theodoric the eldest son of Clovis; but the remote province was separate from his Austrasian dominions by the intermediate kingdom of Soissons, Paris, and Orleans, which formed, after their father death, the inheritance of his three brothers. The king of Paris Childebert, was tempted by the neighbourhood and beauty o Auvergne.[108] The Upper country, which rises towards th south into the mountains of the Cevennes, presented a rich an various prospect of woods and pastures; the sides of the hil were clothed with vines; and each eminence was crowned wit a villa or castle. In the Lower Auvergne, the river Allier flow through the fair and spacious plain of Limagne; and the in exhaustible fertility of the soil supplied, and still supplies, with out any interval of repose, the constant repetition of the sam harvests.[109] On the false report that their lawful sovereign ha been slain in Germany, the city and diocese of Auvergne wer betrayed by the grandson of Sidonius Apollinaris. Childebe enjoyed this clandestine victory; and the free subjects Theodoric threatened to desert his standard, if he indulged h

[106] When Cæsar saw it, he laughed (Plutarch, in Cæsar. in tom. i. p. 409 [c. 26] yet he relates his unsuccessful siege of Gergovia with less frankness than we mig expect from a great man to whom victory was familiar. He acknowledges, howeve that in one attack he lost forty-six centurions and seven hundred men (de Be Gallico, l. vi. c. 44-53, in tom. i. p. 270-272).

[107] Audebant se quondam fratres Latio dicere, et sanguine ab Iliaco popul computare (Sidon. Apollinar. l. vii. epist. 7, in tom. i. p. 799). I am not inform of the degrees and circumstances of this fabulous pedigree.

[108] Either the first or second partition among the sons of Clovis had given Ber to Childebert (Greg. Turon. l. iii. c. 12, in tom. ii. p. 192). Velim (said he) Arverna *Lemanem*, quæ tantâ jocunditatis gratiâ refulgere dictitur oculis cernere (l. iii. c. p. 191). The face of the country was concealed by a thick fog, when the king Paris made his entry into Clermont.

[109] For the description of Auvergne, see Sidonius (l. iv. epist. 21, in tom. i. 793) with the notes of Savaron and Sirmond (p. 279 and 51 of their respecti editions), Boulainvilliers (Etat de la France, tom. ii. p. 242-268), and the Abbé la Longuerue (Description de la France, part i. p. 132-139).

private resentment while the nation was engaged in the Burgundian war. But the Franks of Austrasia soon yielded to the persuasive eloquence of their king. "Follow me," said Theodoric, "into Auvergne: I will lead you into a province where you may acquire gold, silver, slaves, cattle, and precious apparel, to the full extent of your wishes. I repeat my promise; I give you the people, and their wealth, as your prey; and you may transport them at pleasure into your own country." By the execution of this promise, Theodoric justly forfeited the allegiance of a people whom he devoted to destruction. His troops, reinforced by the fiercest Barbarians of Germany,[110] spread desolation over the fruitful face of Auvergne; and two places only, a strong castle and a holy shrine, were saved, or redeemed, from their licentious fury. The castle of Meroliac[111] was seated on a lofty rock, which rose an hundred feet above the surface of the plain; and a large reservoir of fresh water was inclosed, with some arable lands, within the circle of its fortifications. The Franks beheld with envy and despair this impregnable fortress; but they surprised a party of fifty stragglers; and, as they were oppressed by the number of their captives, they fixed, at a trifling ransom, the alternative of life or death for these wretched victims, whom the cruel Barbarians were prepared to massacre on the refusal of the garrison. Another detachment penetrated as far as Brivas, or Brioude, where the inhabitants, with their valuable effects, had taken refuge in the sanctuary of St. Julian. The doors of the church resisted the assault; but a daring soldier entered through a window of the choir and opened a passage to his companions. The clergy and people, the sacred and the profane spoils, were rudely torn from the altar; and the sacrilegious division was made at a small distance from the town of Brioude. But this act of impiety was severely chastised by the devout son of Clovis. He punished with death the most atrocious offenders; left their secret accomplices to the vengeance of St. Julian: released the captives; restored the plunder; and

[110] Furorem gentium, quæ de ulteriore Rheni amnis parte venerant, superare non poterat (Greg. Turon. l. iv. c. 50, in tom. ii. 229) was the excuse of another king of Austrasia (A.D. 574) for the ravages which his troops committed in the neighbourhood of Paris.

[111] From the name and situation, the Benedictine editors of Gregory of Tours (in tom. ii. p. 192) have fixed this fortress at a place named *Castel Merliac*, two miles from Mauriac, in the Upper Auvergne [Chastel-Marthac, in Department Cantal]. In this description, I translate *infra* as if I read *intra*; the two prepositions are perpetually confounded by Gregory, or his transcribers; and the sense must always decide. [*Infra* is regularly used for *intra* by Gregory.]

extended the rights of sanctuary five miles round the sepulchr of the holy martyr.[112]

Story of Attalus

Before the Austrasian army retreated from Auvergne, Theo doric exacted some pledges of the future loyalty of a peopl whose just hatred could be restrained only by their fear. A select band of noble youths, the sons of the principal senators was delivered to the conqueror, as the hostages of the faith o Childebert and of their countrymen. On the first rumour o war, or conspiracy, those guiltless youths were reduced to state of servitude; and one of them, Attalus,[113] whose adven tures are more particularly related, kept his master's horses i the diocese of Treves. After a painful search, he was discovered in this unworthy occupation, by the emissaries of his grand father, Gregory bishop of Langres; but his offers of ranson were sternly rejected by the avarice of the Barbarian, wh required an exorbitant sum of ten pounds of gold for the freedon of his noble captive. His deliverance was effected by the hardy stratagem of Leo, a slave belonging to the kitchens of th bishop of Langres.[114] An unknown agent easily introduced hi into the same family. The Barbarian purchased Leo for th price of twelve pieces of gold; and was pleased to learn that h was deeply skilled in the luxury of an episcopal table. "Nex Sunday," said the Frank, "I shall invite my neighbours an kinsmen. Exert thy art, and force them to confess that the have never seen, or tasted, such an entertainment, even in th king's house." Leo assured him that, if he would provide sufficient quantity of poultry, his wishes should be satisfied The master, who already aspired to the merit of elegan hospitality, assumed, as his own, the praise which the voraciou

[112] See these revolutions and wars of Auvergne in Gregory of Tours (l. ii. c. 3 in tom. ii. p. 183, and l. iii. c. 9, 12, 13, p. 191, 192, de Miraculis St. Julian. c. 1 in tom. ii. p. 466). He frequently betrays his extraordinary attention to his nati country.

[113] The story of Attalus is related by Gregory of Tours (l. iii. c. 16 [*leg.* 15], tom. ii. p. 193-195). His editor, the P. Ruinart, confounds this Attalus, who was youth (*puer*) in the year 532, with a friend of Sidonius of the same name, who w count of Autun, fifty or sixty years before. Such an error, which cannot be im puted to ignorance, is excused, in some degree, by its own magnitude.

[114] This Gregory, the great-grandfather of Gregory of Tours (in tom. ii. p. 19 490), lived ninety-two years; of which he passed forty as count of Autun, an thirty-two as bishop of Langres. According to the poet Fortunatus, he displaye equal merit in these different stations.

Nobilis antiquâ decurrens prole parentum,
Nobilior gestis, nunc super astra manet.
Arbiter ante ferox, dein pius ipse sacerdos,
Quos domuit judex, fovit amore patris.

uests unanimously bestowed on his cook; and the dexterous eo insensibly acquired the trust and management of his house-old. After the patient expectation of a whole year, he autiously whispered his design to Attalus, and exhorted him to repare for flight in the ensuing night. At the hour of midnight, ne intemperate guests retired from table; and the Frank's on-in-law, whom Leo attended to his apartment with a noc-urnal potation, condescended to jest on the facility with which e might betray his trust. The intrepid slave, after sustaining is dangerous raillery, entered his master's bed-chamber; re-oved his spear and shield; silently drew the fleetest horses om the stable; unbarred the ponderous gates; and excited ttalus to save his life and liberty by incessant diligence. Their prehensions urged them to leave their horses on the banks of ne Meuse;[115] they swam the river, wandered three days in the djacent forest, and subsisted only by the accidental discovery a wild plum-tree. As they lay concealed in a dark thicket, ey heard the noise of horses; they were terrified by the angry untenance of their master, and they anxiously listened to his eclaration that, if he could seize the guilty fugitives, one of em he would cut in pieces with his sword, and would expose e other on a gibbet. At length Attalus and his faithful Leo ached the friendly habitation of a presbyter of Rheims, who cruited their fainting strength with bread and wine, concealed em from the search of their enemy, and safely conducted them, eyond the limits of the Austrasian kingdom, to the episcopal lace of Langres. Gregory embraced his grandson with tears joy, gratefully delivered Leo, with his whole family, from the ke of servitude, and bestowed on him the property of a farm, here he might end his days in happiness and freedom. Perhaps is singular adventure, which is marked with so many circum-ances of truth and nature, was related by Attalus himself, to s cousin, or nephew, the first historian of the Franks. Gregory Tours[116] was born about sixty years after the death of Sidonius pollinaris; and their situation was almost similar, since each of

[115] As M. de Valois and the P. Ruinart are determined to change the *Mosella* of text into *Mosa*, it becomes me to acquiesce in the alteration. Yet, after some amination of the topography, I could defend the common reading. [P. 124, Arndt et Krusch.]

[116] The parents of Gregory (Gregorius Florentius Georgius) were of noble raction (*natalibus . . . illustres*), and they possessed large estates (*latifundia*) th in Auvergne and Burgundy. He was born in the year 539, was consecrated hop of Tours in 573, and died in 593, or 595, soon after he had terminated his tory. See his life by Odo, abbot of Clugny (in tom. ii. p. 129-135), and a new e in the Mémoires de l'Académie, &c. tom. xxvi. p 598-637.

them was a native of Auvergne, a senator, and a bishop. Th difference of their style and sentiments may, therefore, express th decay of Gaul, and clearly ascertain how much, in so short a spac the human mind had lost of its energy and refinement.[117]

Privileges of the Romans of Gaul

We are now qualified to despise the opposite, and perha artful, misrepresentations which have softened, or exaggerate the oppression of the Romans of Gaul under the reign of the M rovingians.[118] The conquerors never promulgated any *univers* edict of servitude or confiscation; but a degenerate people, wh excused their weakness by the specious names of politeness an peace, was exposed to the arms and laws of the ferocious Ba barians, who contemptuously insulted their possessions, the freedom, and their safety. Their personal injuries were parti and irregular; but the great body of the Romans survived th revolution, and still preserved the property and privileges citizens. A large portion of their lands was exacted for the u of the Franks; but they enjoyed the remainder, exempt fro tribute;[119] and the same irresistible violence which swept aw the arts and manufactures of Gaul destroyed the elaborate an expensive system of Imperial despotism. The Provincials mu frequently deplore the savage jurisprudence of the Salic Ripuarian laws; but their private life, in the important concer of marriage, testaments, or inheritance, was still regulated b the Theodosian Code; and a discontented Roman might free aspire, or descend, to the character and title of a Barbaria The honours of the state were accessible to his ambition; th education and temper of the Romans more peculiarly qualifie them for the offices of civil government; and, as soon as emul tion had rekindled their military ardour, they were permitted march in the ranks, or even at the head, of the victorio

[117] Decedente atque immo potius pereunte ab urbibus Gallicanis liberaliu culturâ literarum, &c. (in præfat. in tom. ii. p. 137), is the complaint of Greg himself, which he fully verifies by his own work. His style is equally devoid elegance and simplicity. In a conspicuous station he still remained a strang to his own age and country; and in a prolix work (the five last books contain t years) he has omitted almost everything that posterity desires to learn. I ha tediously acquired, by a painful perusal, the right of pronouncing this unfavoura sentence.

[118] [In the Ripuarian territory the Roman was counted as a stranger, like t Burgundian, or the Frank of another race. Under the Salic law his wergeld w lower than that of the free Frank, and equal to that of the half-free man or *lit* Compare Havet, Revue Historique, ii. 120.]

[119] The Abbé de Mably (tom. i. p. 247-267) has diligently confirmed this opini [guess] of the president de Montesquieu (Esprit des Loix, l. xxx. c. 13). [There no proof whatever of inequality in this respect between the two races. See Fus de Coulanges, Hist. des Institutions politiques, Bk. iv. c. 3.]

Germans. I shall not attempt to enumerate the generals and magistrates, whose names[120] attest the liberal policy of the Merovingians. The supreme command of Burgundy, with the title of Patrician, was successively entrusted to three Romans; and the last and most powerful, Mummolus,[121] who alternately saved and disturbed the monarchy, had supplanted his father in the station of count of Autun, and left a treasure of thirty talents of gold and two hundred and fifty talents of silver. The fierce and illiterate Barbarians were excluded, during several generations, from the dignities, and even from the orders, of the church.[122] The clergy of Gaul consisted almost entirely of native Provincials; the haughty Franks fell prostrate at the feet of their subjects, who were dignified with the episcopal character; and the power and riches which had been lost in war were insensibly recovered by superstition.[123] In all temporal affairs, the Theodosian Code was the universal law of the clergy; but the Barbaric jurisprudence had liberally provided for their personal safety: a sub-deacon was equivalent to two Franks; the *antrustion* and priest were held in similar estimation; and the life of a bishop was appreciated far above the common standard, at the price of nine hundred pieces of gold.[124] The Romans communicated to their conquerors the use of the Christian religion and

[120] See Dubos, Hist. Critique de la Monarchie Françoise, tom. ii. l. vi. c. 9, 10. The French antiquarians establish as a *principle* that the Romans and Barbarians may be distinguished by their names. Their names undoubtedly form a reasonable *presumption;* yet in reading Gregory of Tours, I have observed Gondulphus, of senatorian or Roman extraction (l. vi. c. 11, in tom. ii. p. 273), and Claudius, a Barbarian (l. vii. c. 29, p. 303).

[121] Eunius Mummolus is repeatedly mentioned by Gregory of Tours, from the fourth (c. 42, p. 224) to the seventh (c. 40, p. 310) book. The computation by talents is singular enough; but, if Gregory attached any meaning to that obsolete word, the treasures of Mummolus must have exceeded 100,000l. sterling. [The title *Patricius* was introduced among the Franks from the Burgundian kingdom, and was chiefly used of its governor, who is also called *praefectus* (Greg. Tur. vi. 7, 11, &c.). There was no count, beside the Patricius, in Provincia. The word also came to be used of the Merovingian dukes. For a count to become a Patricius was as a promotion.]

[122] See Fleury, Discours iii. sur l'Histoire Ecclésiastique.

[123] The bishop of Tours himself has recorded the complaint of Chilperic, the grandson of Clovis. Ecce pauper remansit fiscus noster; ecce divitiæ nostræ ad ecclesias sunt translatæ; nulli penitus nisi soli Episcopi regnant (l. vi. c. 46, in tom. ii. p. 291).

[124] See the Ripuarian Code (tit. xxxvi., in tom. iv. p. 241). The Salic law does not provide for the safety of the clergy, and we might suppose, on the behalf of the more civilized tribe, that they had not foreseen such an impious act as the murder of a priest. Yet Prætextatus, archbishop of Rouen, was assassinated by the order of queen Fredegundis, before the altar (Greg. Turon. l. viii. c. 31, in tom. ii. p. 386).

Latin language;[125] but their language and their religion ha alike degenerated from the simple purity of the Augustan, an Apostolic, age. The progress of superstition and Barbarism w rapid and universal; the worship of the saints concealed fro vulgar eyes the God of the Christians; and the rustic dialect peasants and soldiers was corrupted by a Teutonic idiom an pronunciation. Yet such intercourse of sacred and soci communion eradicated the distinctions of birth and victory; an the nations of Gaul were gradually confounded under the nam and government of the Franks.

Anarchy of the Franks

The Franks, after they mingled with their Gallic subject might have imparted the most valuable of human gifts, a spir and system of constitutional liberty. Under a king hereditar but limited, the chiefs and counsellors might have debated, Paris, in the palace of the Cæsars; the adjacent field, where th emperors reviewed their mercenary legions, would have admitte the legislative assembly of freemen and warriors; and the ruc model, which had been sketched in the woods of Germany,[126] might have been polished and improved by the civil wisdom the Romans. But the careless Barbarians, secure of their pe sonal independence, disdained the labour of government; th annual assemblies of the month of March were silently abolishe and the nation was separated and almost dissolved by the co quest of Gaul.[127] The monarchy was left without any regul establishment of justice, of arms, or of revenue. The successo of Clovis wanted resolution to assume, or strength to exercis the legislative and executive powers which the people ha abdicated; the royal prerogative was distinguished only by more ample privilege of rapine and murder; and the love freedom, so often invigorated and disgraced by private ambitio was reduced, among the licentious Franks, to the contempt order and the desire of impunity. Seventy-five years after th death of Clovis, his grandson, Gontran, king of Burgundy, se an army to invade the Gothic possessions of Septimania,

[125] M. Bonamy (Mém. de l'Académie des Inscriptions, tom. xxiv. p. 582-6 has ascertained the *Lingua Romana Rustica*, which, through the medium of t *Romance*, has gradually been polished into the actual form of the French langua Under the Carlovingian race, the kings and nobles of France still understood t dialect of their German ancestors.

[126] Ce beau systeme a été trouvé dans les bois. Montesquieu, Esprit des Lo l. xi. c. 6.

[127] See the Abbé de Mably, Observations, &c. tom. i. p. 34-36. It sho seem that the institution of national assemblies, which are coeval with the Fren nation, have never been congenial to its temper.

anguedoc. The troops of Burgundy, Berry, Auvergne, and ıe adjacent territories were excited by the hopes of spoil. hey marched, without discipline, under the banners of German, Gallic, counts; their attack was feeble and unsuccessful; but ıe friendly and hostile provinces were desolated with indis- ⁊iminate rage. The corn fields, the villages, the churches ıemselves were consumed by fire; the inhabitants were mas- ⁊cred or dragged into captivity; and, in the disorderly retreat, ⁊e thousand of these inhuman savages were destroyed by ınger or intestine discord. When the pious Gontran reproached ıe guilt, or neglect, of their leaders, and threatened to inflict, ɔt a legal sentence, but instant and arbitrary execution, they ⁊cused the universal and incurable corruption of the people. No one," they said, "any longer fears or respects his king, his ıke, or his count. Each man loves to do evil, and freely dulges his criminal inclinations. The most gentle correction ⁊ovokes an immediate tumult, and the rash magistrate who ⁊esumes to censure or restrain his seditious subjects seldom ⁊capes alive from their revenge."[128] It has been reserved for ıe same nation to expose, by their intemperate vices, the most lious abuse of freedom; and to supply its loss by the spirit of ɔnour and humanity, which now alleviates and dignifies their ɔedience to an absolute sovereign.

The Visigoths had resigned to Clovis the greatest part of their allic possessions; but their loss was amply compensated by e easy conquest, and secure enjoyment, of the provinces of ɔain. From the monarchy of the Goths, which soon involved e Suevic kingdom of Gallicia, the modern Spaniards still ⁊rive some national vanity; but the historian of the Roman mpire is neither invited nor compelled to pursue the obscure d barren series of their annals.[129] The Goths of Spain were ɔarated from the rest of mankind by the lofty ridge of the ⁊renæan mountains; their manners and institutions, as far as ey were common to the Germanic tribes, have been already

The Visigoths of Spain

[128] Gregory of Tours (l. viii. c. 30, in tom. ii. p. 325, 326) relates, with much ifference, the crimes, the reproof, and the apology. Nullus Regem metuit, lus Ducem, nullus Comitem reveretur; et, si fortassis alicui ista displicent, et ea ɔ longævitate vitæ vestræ emendare conatur, statim seditio in populo, statim ıultus exoritur, et in tantum unusquisque contra seniorem sævâ intentione ɔssatur, ut vix se [*om.* se] credat evadere, si tandem [*leg.* tardius] silere nequiverit.

[129] Spain, in these dark ages, has been peculiarly unfortunate. The Franks had Gregory of Tours; the Saxons, or Angles, a Bede; the Lombards, a Paul ırnefrid, &c. But the history of the Visigoths is contained in the short and im- fect chronicles of Isidore of Seville and John of Biclar.

explained. I have anticipated, in the preceding chapter, th most important of their ecclesiastical events, the fall of Arianis and the persecution of the Jews; and it only remains to observ some interesting circumstances which relate to the civil an ecclesiastical constitution of the Spanish kingdom.

Legislative assemblies of Spain

After their conversion from idolatry, or heresy, the Franks an the Visigoths were disposed to embrace, with equal submissio the inherent evils, and the accidental benefits, of superstitio But the prelates of France, long before the extinction of th Merovingian race, had degenerated into fighting and huntin Barbarians. They disdained the use of synods; forgot the law of temperance and chastity; and preferred the indulgence c private ambition and luxury to the general interest of the sacer dotal profession.[130] The bishops of Spain respected themselve and were respected by the public; their indissoluble union dis guised their vices and confirmed their authority; and the regula discipline of the church introduced peace, order, and stabilit into the government of the state. From the reign c Recared, the first Catholic king, to that of Witiza, the immediat predecessor of the unfortunate Roderic, sixteen national council were successively convened. The six metropolitans, Toledo Seville, Merida, Braga, Tarragona, and Narbonne, preside according to their respective seniority; the assembly was com posed of their suffragan bishops, who appeared in person or b their proxies; and a place was assigned to the most holy c opulent of the Spanish abbots. During the first three days c the convocation, as long as they agitated the ecclesiastical que tions of doctrine and discipline, the profane laity was exclude from their debates; which were conducted, however, with decen solemnity. But on the morning of the fourth day, the doo were thrown open for the entrance of the great officers of th palace, the dukes and counts of the provinces, the judges of th cities, and the Gothic nobles; and the decrees of Heaven wer ratified by the consent of the people. The same rules wer observed in the provincial assemblies, the annual synods whic were empowered to hear complaints, and to redress grievances and a legal government was supported by the prevailing influenc of the Spanish clergy. The bishops, who, in each revolutio were prepared to flatter the victorious and to insult the prostrat

[130] Such are the complaints of St. Boniface, the apostle of Germany, and t reformer of Gaul (in tom. iv. p. 94). The four-score years, which he deplores, licence and corruption would seem to insinuate that the Barbarians were admitte into the clergy about the year 660.

boured, with diligence and success, to kindle the flames of ersecution and to exalt the mitre above the crown. Yet the ational councils of Toledo, in which the free spirit of the arbarians was tempered and guided by episcopal policy, have stablished some prudent laws for the common benefit of the ing and people. The vacancy of the throne was supplied by ne choice of the bishops and palatines; and, after the failure of ne line of Alaric, the regal dignity was still limited to the pure nd noble blood of the Goths. The clergy, who anointed their wful prince, always recommended, and sometimes practised, ne duty of allegiance: and the spiritual censures were denounced n the heads of the impious subjects who should resist his autho- ty, conspire against his life, or violate, by an indecent union, ne chastity even of his widow. But the monarch himself, when e ascended the throne, was bound by a reciprocal oath to God nd his people that he would faithfully execute his important ust. The real or imaginary faults of his administration were bject to the control of a powerful aristocracy; and the bishops nd palatines were guarded by a fundamental privilege, that ey should not be degraded, imprisoned, tortured, nor punished ith death, exile, or confiscation, unless by the free and public dgment of their peers.[131]

Code of the Visigoths

One of these legislative councils of Toledo examined and rati- ed the code of laws which had been compiled by a succession of othic kings, from the fierce Euric to the devout Egica. As ng as the Visigoths themselves were satisfied with the rude stoms of their ancestors, they indulged their subjects of quitain and Spain in the enjoyment of the Roman law. Their adual improvements in arts, in policy, and at length in ligion, encouraged them to imitate, and to supersede, these reign institutions; and to compose a code of civil and criminal risprudence, for the use of a great and united people. The me obligations and the same privileges were communicated to e nations of the Spanish monarchy: and the conquerors, in- nsibly renouncing the Teutonic idiom, submitted to the re- aints of equity, and exalted the Romans to the participation freedom. The merit of this impartial policy was enhanced

[131] The acts of the councils of Toledo are still the most authentic records of the rch and constitution of Spain. The following passages are particularly impor- t (iii. 17, 18, iv. 75, v. 2, 3, 4, 5, 8, vi. 11, 12, 13, 15, 17, 18, vii. 1, xiii. 2, 3, 6). ave found Mascou (Hist. of the ancient Germans, xv. 29, and Annotations, i. and xxxiii.) and Ferreras (Hist, Générale de l'Espagne, tom. ii.) very useful l accurate guides.

by the situation of Spain, under the reign of the Visigoth
The Provincials were long separated from their Arian master
by the irreconcilable difference of religion. After the con
version of Recared had removed the prejudices of the Catholic
the coasts, both of the Ocean and Mediterranean, were sti
possessed by the Eastern emperors; who secretly excited
discontented people to reject the yoke of the Barbarians and t
assert the name and dignity of Roman citizens. The allegianc
of doubtful subjects is indeed most effectually secured by thei
own persuasion that they hazard more in a revolt than they ca
hope to obtain by a revolution; but it has appeared so natura
to oppress those whom we hate and fear, that the contrar
system well deserves the praise of wisdom and moderation.[13

Revolution of Britain

While the kingdoms of the Franks and Visigoths were estab
lished in Gaul and Spain, the Saxons achieved the conques
of Britain, the third great diocese of the Præfecture of th
West. Since Britain was already separated from the Roma
empire, I might, without reproach, decline a story, familiar t
the most illiterate, and obscure to the most learned, of m
readers. The Saxons, who excelled in the use of the oar c
the battle-axe, were ignorant of the art which could alon
perpetuate the fame of their exploits; the Provincials, relapsin
into barbarism, neglected to describe the ruin of their country
and the doubtful tradition was almost extinguished, before th
missionaries of Rome restored the light of science and Christ
anity. The declamations of Gildas, the fragments or fable
of Nennius, the obscure hints of the Saxon laws and chronicle
and the ecclesiastical tales of the venerable Bede [133] have bee
illustrated by the diligence, and sometimes embellished by th
fancy, of succeeding writers, whose works I am not ambitiou
either to censure or to transcribe.[134] Yet the historian of th

[132] The Code of the Visigoths, regularly divided into twelve books, has be
correctly published by Dom Bouquet (in tom. iv. p. 273-460). It has be
treated by the president de Montesquieu (Esprit des Loix, l. xxviii. c. 1) wi
excessive severity. I dislike the style; I detest the superstition; but I sha
presume to think that the civil jurisprudence displays a more civilized and e
lightened state of society than that of the Burgundians or even of the Lombards.

[133] See Gildas, de Excidio Britanniæ, c. 11-25, p. 4-9, edit. Gale; Nennius
Hist. Britonum, c. 28, 35-65, p. 105-115, edit. Gale; Bede, Hist. Ecclesias
Gentis Anglorum, l. i. c. 12-16, p. 49-53, c. 22, p. 58, edit. Smith; Chro
Saxonicum, p. 11-23, &c. edit. Gibson. The Anglo-Saxon laws were publish
by Wilkins, London, 1731, in folio; and the Leges Wallicæ, by Wotton a
Clarke, London, 1730, in folio. [Cp. Appendix 5.]

[134] The laborious Mr. Carte and the ingenious Mr. Whitaker are the tw
modern writers to whom I am principally indebted. The particular historian
Manchester embraces, under that obscure title, a subject almost as extensive
the general history of England,

mpire may be tempted to pursue the revolutions of a Roman rovince, till it vanishes from his sight; and an Englishman ay curiously trace the establishment of the Barbarians from hom he derives his name, his laws, and perhaps his origin.

Descent of the Saxons. A.D. 449

About forty years after the dissolution of the Roman govern- ent, Vortigern appears to have obtained the supreme, though recarious, command of the princes and cities of Britain. That nfortunate monarch has been almost unanimously condemned r the weak and mischievous policy of inviting[135] a formidable ranger to repel the vexatious inroads of a domestic foe. His nbassadors are dispatched, by the gravest historians, to the ast of Germany; they address a pathetic oration to the eneral assembly of the Saxons, and those warlike Barbarians solve to assist with a fleet and army the supplıants of a distant nd unknown island. If Britain had indeed been unknown to ıe Saxons, the measure of its calamities would have been less mplete. But the strength of the Roman government could ot always guard the maritime province against the pirates of ermany; the independent and divided states were exposed to ieir attacks; and the Saxons might sometimes join the Scots nd the Picts in a tacit, or express, confederacy of rapine and estruction. Vortigern could only balance the various perils hich assaulted on every side his throne and his people; and s policy may deserve either praise or excuse, if he preferred ıe alliance of *those* Barbarians whose naval power rendered ıem the most dangerous enemies and the most serviceable lies. Hengist and Horsa, as they ranged along the Eastern ast with three ships, were engaged, by the promise of an nple stipend, to embrace the defence of Britain; and their trepid valour soon delivered the country from the Caledonian vaders. The isle of Thanet, a secure and fertile district, was lotted for the residence of these German auxiliaries, and ey were supplıed, according to the treaty, with a plentiful lowance of clothing and provisions. This favourable reception couraged five thousand warriors to embark with their families seventeen vessels, and the infant power of Hengist was forti- d by this strong and seasonable reinforcement. The crafty

[135] This *invitation*, which may derive some countenance from the loose expres- ns of Gildas and Bede, is framed into a regular story by Witikind, a Saxon nk of the tenth century (see Cousin, Hist. de l'Empire d'Occident, tom. ii. 356). Rapin, and even Hume, have too freely used this suspicious evidence, hout regarding the precise and probable testimony of Nennius: Interea erunt tres Chiulæ a Germaniâ *in exilio pulsae*, in quibus erant Hors et ngist [31, p. 171, ed. Mommsen. Cp. Appendix 5].

Barbarian suggested to Vortigern the obvious advantage
fixing, in the neighbourhood of the Picts, a colony of faithf
allies; a third fleet of forty ships, under the command of h
son and nephew, sailed from Germany, ravaged the Orkney
and disembarked a new army on the coast of Northumberlan
or Lothian, at the opposite extremity of the devoted land.
was easy to foresee, but it was impossible to prevent, the in
pending evils. The two nations were soon divided and e
asperated by mutual jealousies. The Saxons magnified a
that they had done and suffered in the cause of an ungratef
people; while the Britons regretted the liberal rewards whic
could not justify the avarice of those haughty mercenarie
The causes of fear and hatred were inflamed into an irreco
cilable quarrel. The Saxons flew to arms; and, if they pe
petrated a treacherous massacre during the security of a feas
they destroyed the reciprocal confidence which sustains th
intercourse of peace and war.[136]

Establishment of the Saxon heptarchy. A.D. 455-582

Hengist, who boldly aspired to the conquest of Britai
exhorted his countrymen to embrace the glorious opportunit
he painted in lively colours the fertility of the soil, the wealth
the cities, the pusillanimous temper of the natives, and the co
venient situation of a spacious, solitary island, accessible on
sides to the Saxon fleets. The successive colonies which issue
in the period of a century, from the mouths of the Elbe, the Wes
and the Rhine, were principally composed of three valiant trib
or nations of Germany: the *Jutes*, the *old Saxons*, and the *Angl*
The Jutes, who fought under the peculiar banner of Hengist,
sumed the merit of leading their countrymen in the paths of glo
and of erecting in Kent the first independent kingdom. The fa
of the enterprise was attributed to the primitive Saxons; a
the common laws and language of the conquerors are describ
by the national appellation of a people which, at the end of fo
hundred years, produced the first monarchs of South Brita
The Angles were distinguished by their numbers and th
success; and they claimed the honour of fixing a perpetual na
on the country of which they occupied the most ample portio
The Barbarians, who followed the hopes of rapine either on t
land or sea, were insensibly blended with this triple confederac

[136] Nennius imputes to the Saxons the murder of three hundred British chie
a crime not unsuitable to their savage manners. But we are not obliged
believe (see Jeffrey of Monmouth, l. viii. c. 9-12) that Stonehenge is their mo
ment, which the giants had formerly transported from Africa to Ireland,
which was removed to Britain by the order of Ambrosius and the art of Merlin.

e *Frisians*, who had been tempted by their vicinity to the ritish shores, might balance, during a short space, the strength id reputation of the native Saxons; the *Danes*, the *Prussians*, e *Rugians* are faintly described; and some adventurous *Huns*, ho had wandered as far as the Baltic, might embark on board e German vessels, for the conquest of a new world.[137] But is arduous achievement was not prepared or executed by the ion of national powers. Each intrepid chieftain, according to e measure of his fame and fortunes, assembled his followers; uipped a fleet of three, or perhaps of sixty, vessels; chose the ace of the attack; and conducted his subsequent operations cording to the events of the war and the dictates of his ivate interest. In the invasion of Britain many heroes van- ished and fell; but only seven victorious leaders assumed, or least maintained, the title of kings. Seven independent rones, the Saxon Heptarchy, were founded by the conquerors, id seven families, one of which has been continued, by female ccession, to our present sovereign, derived their equal and cred lineage from Woden, the god of war. It has been pre- nded that this republic of kings was moderated by a general uncil and a supreme magistrate. But such an artificial scheme policy is repugnant to the rude and turbulent spirit of the xons; their laws are silent; and their imperfect annals afford ly a dark and bloody prospect of intestine discord.[138]

State of the Britons

A monk, who, in the profound ignorance of human life, has esumed to exercise the office of historian, strangely disfigures e state of Britain at the time of its separation from the Western npire. Gildas[139] describes, in florid language, the improvements agriculture, the foreign trade which flowed with every tide to the Thames and the Severn, the solid and lofty construction public and private edifices; he accuses the sinful luxury of e British people; of a people, according to the same writer, norant of the most simple arts, and incapable, without the aid

[137] All these tribes are expressly enumerated by Bede (l. i. c. 15, p. 52, l. v. c. 9, 190), and, though I have considered Mr. Whitaker's remarks (Hist. of Manchester, l. ii. p. 538-543), I do not perceive the absurdity of supposing that the Frisians, were mingled with the Anglo-Saxons.

[138] Bede has enumerated seven kings, two Saxons, a Jute, and four Angles, who cessively acquired in the heptarchy an indefinite supremacy of power and own. But their reign was the effect, not of law, but of conquest; and he observes, similar terms, that one of them subdued the Isles of Man and Anglesey; and t another imposed a tribute on the Scots and Picts (Hist. Eccles. l. ii. c. 5, p. . [See below, note 171.]

[139] See Gildas de Excidio Britanniæ, c. i. p. 1, edit. Gale.

of the Romans, of providing walls of stone or weapons of iron f the defence of their native land.[140] Under the long dominion the emperors, Britain had been insensibly moulded into t elegant and servile form of a Roman province, whose safety w entrusted to a foreign power. The subjects of Honorius co templated their new freedom with surprise and terror; th were left destitute of any civil or military constitution; and the uncertain rulers wanted either skill, or courage, or authority, direct the public force against the common enemy. The intr duction of the Saxons betrayed their internal weakness and d graded the character both of the prince and people. Their co sternation magnified the danger; the want of union diminish their resources; and the madness of civil factions was mo solicitous to accuse than to remedy the evils which they imput to the misconduct of their adversaries. Yet the Britons were n ignorant, they could not be ignorant of the manufacture or t use of arms: the successive and disorderly attacks of the Saxo allowed them to recover from their amazement, and the prospe ous or adverse events of the war added discipline and experien to their native valour.

Their resistance

While the continent of Europe and Africa yielded, witho resistance, to the Barbarians, the British island, alone and unaide maintained a long, a vigorous, though an unsuccessful strugg against the formidable pirates who, almost at the same instan assaulted the Northern, the Eastern, and the Southern coast The cities, which had been fortified with skill, were defend with resolution; the advantages of ground, hills, forests, a morasses were diligently improved by the inhabitants; the co quest of each district was purchased with blood; and the defea of the Saxons are strongly attested by the discreet silence their annalist. Hengist might hope to achieve the conquest Britain; but his ambition, in an active reign of thirty-five yea was confined to the possession of Kent; and the numerous colo which he had planted in the North was extirpated by the swo of the Britons. The monarchy of the West Saxons was laborious founded by the persevering efforts of three martial generatio The life of Cerdic, one of the bravest of the children of Wode was consumed in the conquest of Hampshire and the isle Wight; and the loss which he sustained in the battle of Mou Badon reduced him to a state of inglorious repose. Kenric,

[140] Mr. Whitaker (History of Manchester, vol. ii. p 503, 516) has smartly posed this glaring absurdity, which had passed unnoticed by the general historia as they were hastening to more interesting and important events.

liant son, advanced into Wiltshire; besieged Salisbury, at that
ne seated on a commanding eminence; and vanquished an
ny which advanced to the relief of the city. In the subse-
ent battle of Marlborough,[141] his British enemies displayed
eir military science. Their troops were formed in three lines;
ch line consisted of three distinct bodies, and the cavalry, the
hers, and the pikemen, were distributed, according to the
nciples of Roman tactics. The Saxons charged in one mighty
umn, boldly encountered with their short swords the long
ces of the Britons, and maintained an equal conflict till the
proach of night. Two decisive victories, the death of three
itish kings, and the reduction of Cirencester, Bath, and Glouces-
, established the fame and power of Ceaulin, the grandson
Cerdic, who carried his victorious arms to the banks of the
vern.

After a war of an hundred years, the independent Britons still and flight
upied the whole extent of the Western coast, from the wall
Antoninus to the extreme promontory of Cornwall; and the
ncipal cities of the inland country still opposed the arms of
Barbarians. Resistance became more languid, as the number
l boldness of the assailants continually increased. Winning
ir way by slow and painful efforts, the Saxons, the Angles,
l their various confederates advanced from the North, from
East, and from the South, till their victorious banners were
ted in the centre of the island. Beyond the Severn the
tons still asserted their national freedom, which survived the
tarchy, and even the monarchy, of the Saxons. The bravest
riors, who preferred exile to slavery, found a secure refuge in
mountains of Wales; the reluctant submission of Cornwall
delayed for some ages;[142] and a band of fugitives acquired
ttlement in Gaul, by their own valour or the liberality of the
rovingian kings.[143] The Western angle of Armorica acquired

[141] At Beran-Birig, or Barbury castle, near Marlborough. The Saxon
nicle assigns the name and date. Camden (Britannia, vol. i. p. 128) ascer-
the place; and Henry of Huntingdon (Scriptores post Bedam, p. 314) relates
circumstances of this battle. They are probable and characteristic; and the
rians of the twelfth century might consult some materials that no longer exist.

[142] Cornwall was finally subdued by Athelstan (A.D. 927-941), who planted an
lish colony at Exeter, and confined the Britons beyond the river Tamar. See
iam of Malmsbury, l. ii. in the Scriptores post Bedam, p. 50. The spirit of
Cornish knights was degraded by servitude; and it should seem, from the
ance of Sir Tristram, that their cowardice was almost proverbial.

[143] The establishment of the Britons in Gaul is proved in the sixth century by
opius, Gregory of Tours, the second council of Tours (A.D. 567), and the least
icious of their chronicles and lives of saints. The subscription of a bishop

the new appellations of *Cornwall* and the *Lesser Britain;* ar the vacant lands of the Osismii were filled by a strange peopl who, under the authority of their counts and bishops, preserve the laws and language of their ancestors. To the feeble descen ants of Clovis and Charlemagne, the Britons of Armorica refuse the customary tribute, subdued the neighbouring dioceses Vannes, Rennes, and Nantes, and formed a powerful, thoug vassal, state, which has been united to the crown of France.[144]

The fame of Arthur

In a century of perpetual, or at least implacable, war, muc courage, and some skill, must have been exerted for the defen of Britain. Yet, if the memory of its champions is almost buri in oblivion, we need not repine; since every age, however de titute of science or virtue, sufficiently abounds with acts of bloo and military renown. The tomb of Vortimer, the son of Vo tigern, was erected on the margin of the sea-shore, as a lan mark formidable to the Saxons, whom he had thrice vanquishe in the fields of Kent. Ambrosius Aurelian was descended fro a noble family of Romans,[145] his modesty was equal to his valou and his valour, till the last fatal action,[146] was crowned with sple did success. But every British name is effaced by the illustrio name of ARTHUR,[147] the hereditary prince of the Silures, in Sou

of the Britons to the first council of Tours (A.D. 461, or rather 481), the army Riothamus, and the loose declamation of Gildas (alii transmarinas petebant region c. 25, p. 8) may countenance an emigration as early as the middle of the fi century. Beyond that æra, the Britons of Armorica can be found only in romanc and I am surprised that Mr. Whitaker (Genuine History of the Britons, p. 214-2 should so faithfully transcribe the gross ignorance of Carte, whose venial errors has so rigorously chastised.

[144] The antiquities of *Bretagne*, which have been the subject even of politi controversy, are illustrated by Hadrian Valesius (Notitia Galliarum, sub vo *Britannia Cismarina*, p. 98, 100), M. d'Anville (Notice de l'Ancienne Gau *Corisopiti*, *Curiosolites*, *Osismii*, *Vorganium*, p. 248, 258, 508, 720, and Etats l'Europe, p. 76-80), Longuerue (Description de la France, tom. i. p. 84-94), a the Abbé de Vertot (Hist. Critique de l'Etablissement des Bretons dans les Gaul 2 vols. in 12mo. Paris, 1720). I may assume the merit of examining the origi evidence which they have produced.

[145] Bede, who in his chronicle (p. 28) places Ambrosius under the reign of Ze (A.D. 474-491), observes that his parents had been "purpurâ induti!" which explains, in his ecclesiastical history, by "regium nomen et insigne ferentibu (l. i. c. 16, p. 53). The expression of Nennius (c. 44, p. 110, edit. Gale [c. p. 186, ed. Mommsen]) is still more singular, "Unus de *consulibus* ger Romanicæ est pater meus".

[146] By the unanimous, though doubtful, conjecture of our antiquarians, A brosius is confounded with Natanleod, who (A.D. 508) lost his own life and thousand of his subjects in a battle against Cerdic, the West Saxon (Chron. Sax p. 17, 18).

[147] As I am a stranger to the Welsh bards Myrdhin, Llomarch, and Talies my faith in the existence and exploits of Arthur principally rests on the simple a circumstantial testimony of Nennius (Hist. Brit. c. 62, 63, p. 114). Mr. Whita

Vales, and the elective king or general of the nation. According o the most rational account, he defeated, in twelve successive attles, the Angles of the North and the Saxons of the West; ut the declining age of the hero was embittered by popular ngratitude and domestic misfortunes. The events of his life are ess interesting than the singular revolutions of his fame. During period of five hundred years the tradition of his exploits was reserved, and rudely embellished, by the obscure bards of Wales nd Armorica, who were odious to the Saxons and unknown to he rest of mankind. The pride and curiosity of the Norman onquerors prompted them to enquire into the ancient history of Britain: they listened with fond credulity to the tale of Arthur, nd eagerly applauded the merit of a prince who had triumphed ver the Saxons, their common enemies. His romance, tran- cribed in the Latin of Jeffrey of Monmouth, and afterwards ranslated into the fashionable idiom of the times, was enriched vith the various, though incoherent, ornaments which were amiliar to the experience, the learning, or the fancy, of the welfth century. The progress of a Phrygian colony, from the Tiber to the Thames, was easily engrafted on the fable of the Eneid; and the royal ancestors of Arthur derived their origin rom Troy, and claimed their alliance with the Cæsars. His rophies were decorated with captive provinces and Imperial itles; and his Danish victories avenged the recent injuries of is country. The gallantry and superstition of the British hero, is feasts and tournaments, and the memorable institution of his Knights of the *Round Table* were faithfully copied from the eigning manners of chivalry; and the fabulous exploits of Uther's on appear less incredible than the adventures which were chieved by the enterprising valour of the Normans. Pilgrimage nd the holy wars introduced into Europe the specious miracles f Arabian magic. Fairies and giants, flying dragons and en- hanted palaces, were blended with the more simple fictions of he West; and the fate of Britain depended on the art, or the redictions, of Merlin. Every nation embraced and adorned he popular romance of Arthur and the Knights of the Round Table; their names were celebrated in Greece and Italy; and he voluminous tales of Sir Lancelot and Sir Tristram were levoutly studied by the princes and nobles, who disregarded the enuine heroes and historians of antiquity. At length the light

Hist. of Manchester, vol. ii. p. 31-71) has framed an interesting, and even probable, arrative of the wars of Arthur; though it is impossible to allow the reality of the ound table.

of science and reason was rekindled; the talisman was broken; the visionary fabric melted into air; and, by a natural, though unjust, reverse of the public opinion, the severity of the present age is inclined to question the *existence* of Arthur.[148]

Desolation of Britain

Resistance, if it cannot avert, must increase the miseries of conquest; and conquest has never appeared more dreadful and destructive than in the hands of the Saxons, who hated the valour of their enemies, disdained the faith of treaties, and violated, without remorse, the most sacred objects of the Christian worship. The fields of battle might be traced, almost in every district, by monuments of bones; the fragments of falling towers were stained with blood; the last of the Britons without distinction of age or sex, were massacred[149] in the ruins of Anderida;[150] and the repetition of such calamities was frequent and familiar under the Saxon heptarchy. The arts and religion, the laws and language, which the Romans had so carefully planted in Britain, were extirpated by their barbarous successors. After the destruction of the principal churches, the bishops, who had declined the crown of martyrdom, retired with the holy relics into Wales and Armorica; the remains of their flocks were left destitute of any spiritual food; the practice and even the remembrance, of Christianity were abolished; and the British clergy might obtain some comfort from the damnation of the idolatrous strangers. The kings of France maintained the privileges of their Roman subjects; but the ferocious Saxons trampled on the laws of Rome and of the emperors. The proceedings of civil and criminal jurisdiction, the titles of honour, the forms of office, the ranks of society, and even the domestic rights of marriage, testament, and inheritance, were finally suppressed; and the indiscriminate crowd of noble and plebeian slaves was governed by the traditionary customs which had been coarsely framed for the shepherds and pirates of

[148] The progress of romance, and the state of learning, in the middle ages are illustrated by Mr. Thomas Wharton, with the taste of a poet and the minute diligence of an antiquarian. I have derived much instruction from the two learned dissertations prefixed to the first volume of his History of English Poetry.

[149] Hoc anno (490) Ælla et Cissa obsederunt Andredes-Ceaster; et interfecerunt omnes qui id incoluerunt; adeo ut ne unus Brito ibi superstes fuerit (Chron. Saxon, p. 15), an expression more dreadful in its simplicity than all the vague and tedious lamentations of the British Jeremiah.

[150] Andredes-Ceaster, or Anderida, is placed by Camden (Britannia, vol. i. p. 258) at Newenden, in the marshy grounds of Kent, which might be formerly covered by the sea, and on the edge of the great forest (Anderida), which overspread so large a portion of Hampshire and Sussex. [The fort of Anderida was at Pevensey on the Sussex coast. Cp. Mr. Haverfield's map of Roman Britain, in Poole's Hist. Atlas of Modern Europe.]

Germany. The language of science, of business, and of conversation, which had been introduced by the Romans, was lost in the general desolation. A sufficient number of Latin or Celtic words might be assumed by the Germans, to express their new wants and ideas;[151] but those *illiterate* Pagans preserved and established the use of their national dialect.[152] Almost every name, conspicuous either in the church or state, reveals its Teutonic origin;[153] and the geography of *England* was universally inscribed with foreign characters and appellations. The example of a revolution, so rapid and so complete, may not easily be found; but it will excite a probable suspicion that the arts of Rome were less deeply rooted in Britain than in Gaul or Spain; and that the native rudeness of the country and its inhabitants was covered by a thin varnish of Italian manners.

Servitude

This strange alteration has persuaded historians, and even philosophers, that the provincials of Britain were totally exterminated; and that the vacant land was again peopled by the perpetual influx and rapid increase of the German colonies. Three hundred thousand Saxons are *said* to have obeyed the summons of Hengist;[154] the entire emigration of the Angles was attested, in the age of Bede, by the solitude of their native country;[155] and our experience has shown the free propagation of the human race, if they are cast on a fruitful wilderness, where their steps are unconfined and their subsistence is plentiful. The Saxon kingdoms displayed the face of recent discovery and cultivation; the towns were small, the villages were distant; the husbandry was languid and unskilful; four sheep were equivalent to an acre of the best land;[156] an ample space of wood and morass

[151] Dr. Johnson affirms that *few* English words are of British extraction. Mr. Whitaker, who understands the British language, has discovered more than *three hundred*, and actually produces a long and various catalogue (vol. ii. p. 235-329). It is possible, indeed, that many of these words may have been imported from the Latin or Saxon into the native idiom of Britain.

[152] In the beginning of the seventh century, the Franks and the Anglo-Saxons mutually understood each other's language, which was derived from the same Teutonic root (Bede, l. i. c. 25, p. 60).

[153] After the first generation of Italian, or Scottish, missionaries, the dignities of the church were filled with Saxon proselytes.

[154] Carte's History of England, vol. i. p. 195. He quotes the British historians; but I much fear that Jeffrey of Monmouth (l. vi. c. 15) is his only witness.

[155] Bede, Hist. Ecclesiast. l. i. c. 15, p. 52. The fact is probable and well attested; yet such was the loose intermixture of the German tribes that we find, in a subsequent period, the law of the Angli and Warini of Germany (Lindenbrog. Codex, p. 479-486).

[156] See Dr. Henry's useful and laborious History of Great Britain, vol. ii. p. 388.

was resigned to the vague dominion of nature: and the modern bishopric of Durham, the whole territory from the Tyne to the Tees, had returned to its primitive state of a savage and solitary forest.[157] Such imperfect population might have been supplied in some generations, by the English colonies; but neither reason nor facts can justify the unnatural supposition that the Saxons of Britain remained alone in the desert which they had subdued. After the sanguinary Barbarians had secured their dominion, and gratified their revenge, it was their interest to preserve the peasants, as well as the cattle, of the unresisting country. In each successive revolution, the patient herd becomes the property of its new masters; and the salutary compact of food and labour is silently ratified by their mutual necessities. Wilfrid, the apostle of Sussex,[158] accepted from his royal convert the gift of the peninsula of Selsey, near Chichester, with the persons and property of its inhabitants, who then amounted to eighty-seven families. He released them at once from spiritual and temporal bondage; and two hundred and fifty slaves, of both sexes, were baptized by their indulgent master. The kingdom of Sussex, which spread from the sea to the Thames, contained seven thousand families; twelve hundred were ascribed to the Isle of Wight; and, if we multiply this vague computation, it may seem probable that England was cultivated by a million of servants, or *villains*, who were attached to the estates of their arbitrary landlords. The indigent Barbarians were often tempted to sell their children or themselves into perpetual, and even foreign, bondage;[159] yet the special exemptions which were granted to *national* slaves[160] sufficiently declare that they were much less numerous than the strangers and captives who had lost their liberty, or changed their masters, by the accidents of war. When time and religion had mitigated the fierce spirit of

[157] Quicquid (says John of Tinemouth) inter Tynam et Tesam fluvios extitit solum eremi vastitudo tunc temporis fuit, et idcirco nullius ditioni servivit, eo quod solum indomitorum et sylvestrium animalium spelunca et habitatio fuit (apud Carte, vol. i. p. 195). From bishop Nicholson (English Historical Library, p. 65, 98) I understand that fair copies of John of Tinemouth's ample Collections are preserved in the libraries of Oxford, Lambeth, &c.

[158] See the mission of Wilfrid, &c. in Bede, Hist. Eccles. l. iv. c. 13, 16, p. 155, 156, 159.

[159] From the concurrent testimony of Bede (l. ii. c. i. p. 78) and William of Malmsbury (l. iii. p. 102) it appears that the Anglo-Saxons, from the first to the last age, persisted in this unnatural practice. Their youths were publicly sold in the market of Rome.

[160] According to the laws of Ina, they could not be lawfully sold beyond the seas.

the Anglo-Saxons, the laws encouraged the frequent practice of manumission; and their subjects, of Welsh or Cambrian extraction, assumed the respectable station of inferior freemen, possessed of lands and intitled to the rights of civil society.[161] Such gentle treatment might secure the allegiance of a fierce people, who had been recently subdued on the confines of Wales and Cornwall. The sage Ina, the legislator of Wessex, united the two nations in the bands of domestic alliance; and four British lords of Somersetshire may be honourably distinguished in the court of a Saxon monarch.[162]

Manners of the Britons

The independent Britons appear to have relapsed into the state of original barbarism, from whence they had been imperfectly reclaimed. Separated by their enemies from the rest of mankind, they soon became an object of scandal and abhorrence to the Catholic world.[163] Christianity was still professed in the mountains of Wales; but the rude schismatics, in the *form* of the clerical tonsure, and in the *day* of the celebration of Easter, obstinately resisted the imperious mandates of the Roman pontiffs. The use of the Latin language was insensibly abolished, and the Britons were deprived of the arts and learning which Italy communicated to her Saxon proselytes. In Wales and Armorica, the Celtic tongue, the native idiom of the West, was preserved and propagated; and the *Bards*, who had been the companions of the Druids, were still protected, in the sixteenth century, by the laws of Elizabeth. Their chief, a respectable officer of the courts of Pengwern, or Aberfraw, or Cærmarthaen, accompanied the king's servants to war; the monarchy of the Britons, which he sung in the front of battle, excited their courage and justified their depredations; and the songster claimed for his legitimate prize the fairest heifer of the spoil. His subordinate ministers, the masters and disciples of vocal and instrumental Music, visited, in their respective circuits, the royal, the noble, and the plebeian houses; and the public

[161] The life of a *Wallus*, or *Cambricus*, *homo*, who possessed a hyde of land, s fixed at 120 shillings, by the same laws (of Ina, tit. xxxii. in Leg. Anglo-Saxon. . 20) which allowed 200 shillings for a free Saxon and 1200 for a Thane (see ikewise Leg. Anglo-Saxon. p. 71). We may observe that these legislators, the West-Saxons and Mercians, continued their British conquests after they became Christians. The laws of the four kings of Kent do not condescend to notice the existence of any subject Britons.

[162] See Carte's Hist. of England, vol. i. p. 278.

[163] At the conclusion of his history (A.D. 731) Bede describes the ecclesiastical state of the island, and censures the implacable, though impotent, hatred of the Britons against the English nation and the Catholic church (l. v. c. 23, p. 219).

poverty, almost exhausted by the clergy, was oppressed by the importunate demands of the bards. Their rank and merit were ascertained by solemn trials, and the strong belief of supernatural inspiration exalted the fancy of the poet and of his audience.[164] The last retreats of Celtic freedom, the extreme territories of Gaul and Britain, were less adapted to agriculture than to pasturage; the wealth of the Britons consisted in their flocks and herds; milk and flesh were their ordinary food; and bread was sometimes esteemed, or rejected, as a foreign luxury. Liberty had peopled the mountains of Wales and the morasses of Armorica; but their populousness has been maliciously ascribed to the loose practice of polygamy; and the houses of these licentious barbarians have been supposed to contain ten wives and perhaps fifty children.[165] Their disposition was rash and choleric; they were bold in action and in speech;[166] and, as they were ignorant of the arts of peace, they alternately indulged their passions in foreign and domestic war. The cavalry of Armorica, the spearmen of Gwent, and the archers of Merioneth were equally formidable; but their poverty could seldom procure either shields or helmets; and the inconvenient weight would have retarded the speed and agility of their desultory operations. One of the greatest of the English monarchs was requested to satisfy the curiosity of a Greek emperor concerning the state of Britain; and Henry II. could assert, from his personal experience, that Wales was inhabited by a race of naked warriors, who encountered, without fear, the defensive armour of their enemies.[167]

Obscure or fabulous state of Britain

By the revolution of Britain, the limits of science, as well as of empire, were contracted. The dark cloud, which had been

[164] Mr. Pennant's Tour in Wales (p. 426-449) has furnished me with a curious and interesting account of the Welsh bards. In the year 1568, a session was held at Caerwys by the special command of Queen Elizabeth, and regular degrees in vocal and instrumental music were conferred on fifty-five minstrels. The prize (a silver harp) was adjudged by the Mostyn family.

[165] Regio longe lateque diffusa, milite, magis quam credibile sit, referta. Paribus equidem in illis miles unus quinquaginta generat, sortitus more barbaro denas aut amplius uxores. This reproach of William of Poitiers (in the Historians of France, tom. xi. p. 88) is disclaimed by the Benedictine editors.

[166] Giraldus Cambrensis confines this gift of bold and ready eloquence to the Romans, the French, and the Britons. The malicious Welshman insinuates that the English taciturnity might possibly be the effect of their servitude under the Normans.

[167] The picture of Welsh and Armorican manners is drawn from Giraldus (Descript. Cambriæ, c. 6-15, inter Script. Camden, p. 886-891) and the author quoted by the Abbé de Vertot (Hist. Critique, tom. ii. p. 259-266).

leared by the Phœnician discoveries and finally dispelled by the rms of Cæsar, again settled on the shores of the Atlantic, and Roman province was again lost among the fabulous islands of he Ocean. One hundred and fifty years after the reign of Ionorius, the gravest historian of the times[168] describes the onders of a remote isle, whose eastern and western parts are ivided by an antique wall, the boundary of life and death, or, nore properly, of truth and fiction. The east is a fair country, nhabited by a civilized people: the air is healthy, the waters re pure and plentiful, and the earth yields her regular and uitful increase. In the west, beyond the wall, the air is nfectious and mortal; the ground is covered with serpents; and nis dreary solitude is the region of departed spirits, who are ansported from the opposite shores in substantial boats, and y living rowers. Some families of fishermen, the subjects of ne Franks, are excused from tribute, in consideration of the ysterious office which is performed by these Charons of the ean. Each in his turn is summoned at the hour of midnight, hear the voices, and even the names, of the ghosts; he is nsible of their weight, and he feels himself impelled by an nknown, but irresistible, power. After this dream of fancy e read with astonishment, that the name of this island is *rittia*; that it lies in the ocean, against the mouth of the Rhine, nd less than thirty miles from the continent; that it is possessed y three nations, the Frisians, the Angles, and the Britons; and nat some Angles had appeared at Constantinople, in the train f the French ambassadors. From these ambassadors Procopius ight be informed of a singular, though an improbable, adventure, hich announces the spirit, rather than the delicacy, of an nglish heroine. She had been betrothed to Radiger king of ne Varni, a tribe of Germans who touched the ocean and the hine; but the perfidious lover was tempted by motives of olicy to prefer his father's widow, the sister of Theodebert king the Franks.[169] The forsaken princess of the Angles, instead

[168] See Procopius de Bell. Gothic, l. iv. c. 20, p. 620-625. The Greek historian himself so confounded by the wonders which he relates, that he weakly attempts distinguish the islands of *Brittia* and *Britain*, which he has identified by so ny inseparable circumstances. [His Brittia is certainly Britain. His Brettania, nich he fancied to be an island also, is Brittany. (Perhaps there was some con- sion with Ireland. Cp. Zeuss, Die Deutschen und die Nachbarstämme, p. 362.)]

[169] Theodebert, grandson of Clovis, and king of Austrasia, was the most power- and warlike prince of the age; and this remarkable adventure may be placed tween the years 534 and 547, the extreme terms of his reign. His sister Theude- ildis retired to Sens, where she founded monasteries, and distributed alms (see

of bewailing, revenged her disgrace. Her warlike subjects are *said* to have been ignorant of the use, and even of the form, of an horse; but she boldly sailed from Britain to the mouth of the Rhine, with a fleet of four hundred ships and an army of one hundred thousand men. After the loss of a battle, the captive Radiger implored the mercy of his victorious bride, who generously pardoned his offence, dismissed her rival, and compelled the king of the Varni to discharge with honour and fidelity the duties of an husband.[170] This gallant exploit appears to be the last naval enterprise of the Anglo-Saxons. The arts of navigation, by which they had acquired the empire of Britain and of the sea, were soon neglected by the indolent Barbarians, who supinely renounced all the commercial advantages of their insular situation. Seven[171] independent kingdoms were agitated by perpetual discord; and the *British world* was seldom connected, either in peace or war, with the nations of the continent.[172]

Fall of the Roman empire in the West.

I have now accomplished the laborious narrative of the decline and fall of the Roman empire, from the fortunate age of Trajan and the Antonines to its total extinction in the West about five centuries after the Christian æra. At that unhappy period, the

the notes of the Benedictine editors, in tom. ii. p. 216). If we may credit the praises of Fortunatus (l. vi. carm. 5, in tom. ii. p. 507), Radiger was deprived of a most valuable wife. [This episode, though legendary, may be regarded, Mr. Freeman observes, as "pointing to the possibility of some intercourse, both peaceful and warlike, between the insular and the continental Teutons". Norman Conquest, i. p. 567.]

[170] Perhaps she was the sister of one of the princes or chiefs of the Angles, who landed in 527 and the following years between the Humber and the Thames, and gradually founded the kingdoms of East Anglia and Mercia. The English writers are ignorant of her name and existence; but Procopius may have suggested to Mr Rowe the character and situation of Rodugune in the tragedy of the Royal Convert.

[171] ["The old notion of an Heptarchy, of a regular system of seven kingdoms united under the regular supremacy of a single over-lord, is a dream which has passed away before the light of historic criticism. The English kingdoms in Britain were ever fluctuating, alike in their number and in their relations to one another. The number of perfectly independent states was sometimes greater and sometimes less than the mystical seven. . . . Yet it is no less certain that, among the mass of smaller and more obscure principalities, seven kingdoms do stand out in a marked way, . . . seven kingdoms which alone supplied candidates for the dominion of the whole island." Freeman, Norman Conquest, i. p. 23.]

[172] In the copious history of Gregory of Tours, we cannot find any traces of hostile or friendly intercourse between France and England, except in the marriage of the daughter of Caribert, king of Paris, quam regis *cujusdam* in Cantiâ [*leg.* in Cantiâ regis cuiusdam] filius matrimonio copulavit (l. ix. c. 26, in tom. ii. p. 348). The bishop of Tours ended his history and his life almost immediately before the conversion of Kent.

Saxons fiercely struggled with the natives for the possession of Britain; Gaul and Spain were divided between the powerful monarchies of the Franks and Visigoths, and the dependent kingdoms of the Suevi and Burgundians; Africa was exposed to the cruel persecution of the Vandals and the savage insults of the Moors; Rome and Italy, as far as the banks of the Danube, were afflicted by an army of Barbarian mercenaries, whose lawless tyranny was succeeded by the reign of Theodoric the Ostrogoth. All the subjects of the empire, who, by the use of the Latin language, more particularly deserved the name and privileges of Romans, were oppressed by the disgrace and calamities of foreign conquest; and the victorious nations of Germany established a new system of manners and government in the Western countries of Europe. The majesty of Rome was faintly represented by the princes of Constantinople, the feeble and imaginary successors of Augustus. Yet they continued to reign over the East, from the Danube to the Nile and Tigris; the Gothic and Vandal kingdoms of Italy and Africa were subverted by the arms of Justinian; and the history of the *Greek* emperors may still afford a long series of instructive lessons and interesting revolutions.

General Observations on the Fall of the Roman Empire in the West

THE Greeks, after their country had been reduced into a province, imputed the triumphs of Rome, not to the merit, but to the FORTUNE, of the republic. The inconstant goddess, who so blindly distributes and resumes her favours, had *now* consented (such was the language of envious flattery) to resign her wings, to descend from her globe, and to fix her firm and immutable throne on the banks of the Tiber.[1] A wiser Greek, who has composed, with a philosophic spirit, the memorable history of his own times, deprived his countrymen of this vain and delusive comfort by opening to their view the deep foundations of the greatness of Rome.[2] The fidelity of the citizens to each other, and to the state, was confirmed by the habits of education and the prejudices of religion. Honour, as well as virtue, was the principle of the republic; the ambitious citizens laboured to deserve the solemn glories of a triumph; and the ardour of the Roman youth was kindled into active emulation, as often as they beheld the domestic images of their ancestors.[3] The temperate struggles of the patricians and plebeians had finally established the firm and equal balance of the constitution; which united the freedom of popular assemblies with the authority and wisdom of a senate and the executive powers of a regal magistrate. When the consul displayed the standard of the republic, each citizen bound himself, by the obligation of an oath, to draw his sword in the cause of his country, till he had discharged the sacred duty by a military service of ten years. This wise in-

[1] Such are the figurative expressions of Plutarch (Opera, tom. ii. p. 318, edit. Wechel), to whom, on the faith of his son Lamprias (Fabricius, Bibliot. Græc. tom. iii. p. 341), I shall boldly impute the malicious declamation, περὶ τῆς Ῥωμαίων τύχης. The same opinions had prevailed among the Greeks two hundred and fifty years before Plutarch; and to confute them is the professed intention of Polybius (Hist. l. i. p. 90, edit. Gronov. Amstel. 1670 [c. 63]).

[2] See the inestimable remains of the sixth book of Polybius, and many other parts of his general history, particularly a digression in the seventeenth [*leg.* eighteenth] book, in which he compares the phalanx and the legion [c. 12-15].

[3] Sallust, de Bell. Jugurthin. c. 4. Such were the generous professions of P. Scipio and Q. Maximus. The Latin historian had read, and most probably transcribes, Polybius, their contemporary and friend.

itution continually poured into the field the rising generations f freemen and soldiers; and their numbers were reinforced by ne warlike and populous states of Italy, who, after a brave sistance, had yielded to the valour, and embraced the alliance, f the Romans. The sage historian, who excited the virtue of ne younger Scipio and beheld the ruin of Carthage,[4] has ccurately described their military system; their levies, arms, xercises, subordination, marches, encampments; and the in- ncible legion, superior in active strength to the Macedonian halanx of Philip and Alexander. From these institutions of eace and war, Polybius has deduced the spirit and success of a eople incapable of fear and impatient of repose. The ambitious esign of conquest, which might have been defeated by the asonable conspiracy of mankind, was attempted and achieved; nd the perpetual violation of justice was maintained by the olitical virtues of prudence and courage. The arms of the public, sometimes vanquished in battle, always victorious in war, dvanced with rapid steps to the Euphrates, the Danube, the hine, and the Ocean; and the images of gold, or silver, or ass, that might serve to represent the nations and their kings, ere successively broken by the *iron* monarchy of Rome.[5]

The rise of a city, which swelled into an empire, may deserve, a singular prodigy, the reflection of a philosophic mind. But e decline of Rome was the natural and inevitable effect of im- oderate greatness. Prosperity ripened the principle of decay; e causes of destruction multiplied with the extent of conquest; d, as soon as time or accident had removed the artificial pports, the stupendous fabric yielded to the pressure of its vn weight. The story of its ruin is simple and obvious; and, stead of inquiring why the Roman empire was destroyed, we ould rather be surprised that it had subsisted so long. The ctorious legions, who, in distant wars, acquired the vices of rangers and mercenaries, first oppressed the freedom of the

[4] While Carthage was in flames, Scipio repeated two lines of the Iliad, which press the destruction of Troy, acknowledging to Polybius, his friend and preceptor olyb. in Excerpt. de Virtut. et Vit. tom. ii. p. 1455-1465 [xxxix. 3]), that, while recollected the vicissitudes of human affairs, he inwardly applied them to the ure calamities of Rome (Appian. in Libycis, p. 136, edit. Toll. [Punica, c. 82]).

[5] See Daniel, ii. 31-40. "And the fourth kingdom shall be strong as *iron*; asmuch as iron breaketh in pieces, and subdueth all things." The remainder of prophecy (the mixture of iron and *clay*) was accomplished, according to St. om, in his own time. Sicut enim in principio nihil Romano Imperio fortius et ius, ita in fine rerum nihil imbecillius: quum et in bellis civilibus et adversus ersas nationes aliarum gentium barbararum auxilio indigemus (Opera, tom. v. 72).

republic, and afterwards violated the majesty of the purpl
The emperors, anxious for their personal safety and the publ
peace, were reduced to the base expedient of corrupting th
discipline which rendered them alike formidable to their sov
reign and to the enemy; the vigour of the military governmer
was relaxed, and finally dissolved, by the partial institutions
Constantine; and the Roman world was overwhelmed by
deluge of Barbarians.

The decay of Rome has been frequently ascribed to the tran
lation of the seat of empire; but this history has already shew
that the powers of government were *divided* rather than *remove*
The throne of Constantinople was erected in the East; whi
the West was still possessed by a series of emperors who he
their residence in Italy and claimed their equal inheritance
the legions and provinces. This dangerous novelty impaire
the strength, and fomented the vices, of a double reign; th
instruments of an oppressive and arbitrary system were mult
plied; and a vain emulation of luxury, not of merit, was intr
duced and supported between the degenerate successors
Theodosius. Extreme distress, which unites the virtue of a fr
people, embitters the factions of a declining monarchy. Th
hostile favourites of Arcadius and Honorius betrayed the republ
to its common enemies; and the Byzantine court beheld wi
indifference, perhaps with pleasure, the disgrace of Rome, th
misfortunes of Italy, and the loss of the West. Under th
succeeding reigns, the alliance of the two empires was restore
but the aid of the Oriental Romans was tardy, doubtful, a
ineffectual; and the national schism of the Greeks and Lati
was enlarged by the perpetual difference of language a
manners, of interest, and even of religion. Yet the saluta
event approved in some measure the judgment of Constantin
During a long period of decay, his impregnable city repelled th
victorious armies of Barbarians, protected the wealth of As
and commanded, both in peace and war, the important strai
which connect the Euxine and Mediterranean seas. The found
tion of Constantinople more essentially contributed to the pr
servation of the East than to the ruin of the West.

As the happiness of a *future* life is the great object of religio
we may hear, without surprise or scandal, that the introductio
or at least the abuse, of Christianity had some influence on th
decline and fall of the Roman empire. The clergy successful
preached the doctrines of patience and pusillanimity; the acti
virtues of society were discouraged; and the last remains

ıe military spirit were buried in the cloister; a large portion f public and private wealth was consecrated to the specious emands of charity and devotion; and the soldiers' pay was vished on the useless multitudes of both sexes, who could only lead the merits of abstinence and chastity. Faith, zeal, curiosity, ıd the more earthly passions of malice and ambition kindled ıe flame of theological discord; the church, and even the state, ere distracted by religious factions, whose conflicts were some- mes bloody, and always implacable; the attention of the mperors was diverted from camps to synods; the Roman world as oppressed by a new species of tyranny; and the persecuted cts became the secret enemies of their country. Yet party- pirit, however pernicious or absurd, is a principle of union as ell as of dissension. The bishops, from eighteen hundred ılpits, inculcated the duty of passive obedience to a lawful and thodox sovereign; their frequent assemblies, and perpetual rrespondence, maintained the communion of distant churches: ıd the benevolent temper of the gospel was strengthened, ıough confined, by the spiritual alliance of the Catholics. The cred indolence of the monks was devoutly embraced by a rvile and effeminate age; but, if superstition had not afforded decent retreat, the same vices would have tempted the un- orthy Romans to desert, from baser motives, the standard of ıe republic. Religious precepts are easily obeyed, which in- ılge and sanctify the natural inclinations of their votaries; but ıe pure and genuine influence of Christianity may be traced in s beneficial, though imperfect, effects on the Barbarian proselytes the North. If the decline of the Roman empire was hastened the conversion of Constantine, his victorious religion broke ıe violence of the fall, and mollified the ferocious temper of ıe conquerors.

This awful revolution may be usefully applied to the instruc- on of the present age. It is the duty of a patriot to prefer and romote the exclusive interest and glory of his native country; ut a philosopher may be permitted to enlarge his views, and to nsider Europe as one great republic, whose various inhabitants ve attained almost the same level of politeness and cultivation. ıe balance of power will continue to fluctuate, and the pros- rity of our own or the neighbouring kingdoms may be alter- tely exalted or depressed; but these partial events cannot sentially injure our general state of happiness, the system of ts, and laws, and manners, which so advantageously distinguish, ove the rest of mankind, the Europeans and their colonies.

The savage nations of the globe are the common enemies o civilized society; and we may inquire with anxious curiosity whether Europe is still threatened with a repetition of thos calamities which formerly oppressed the arms and institutions o Rome. Perhaps the same reflections will illustrate the fall o that mighty empire, and explain the probable causes of ou actual security.

I. The Romans were ignorant of the extent of their dange and the number of their enemies. Beyond the Rhine an Danube, the northern countries of Europe and Asia were fille with innumerable tribes of hunters and shepherds, poor, voracious and turbulent; bold in arms, and impatient to ravish the fruit of industry. The Barbarian world was agitated by the rapi impulse of war; and the peace of Gaul or Italy was shaken b the distant revolutions of China. The Huns, who fled before victorious enemy, directed their march towards the West; an the torrent was swelled by the gradual accession of captives an allies. The flying tribes who yielded to the Huns assumed i *their* turn the spirit of conquest; the endless column of Ba barians pressed on the Roman empire with accumulated weight and, if the foremost were destroyed, the vacant space wa instantly replenished by new assailants. Such formidable emi grations can no longer issue from the North; and the lon repose, which has been imputed to the decrease of population, i the happy consequence of the progress of arts and agriculture Instead of some rude villages, thinly scattered among its wood and morasses, Germany now produces a list of two thousan three hundred walled towns; the Christian kingdoms of Den mark, Sweden, and Poland, have been successively established and the Hanse merchants, with the Teutonic knights, hav extended their colonies along the coast of the Baltic, as far a the Gulf of Finland. From the Gulf of Finland to the Easter Ocean, Russia now assumes the form of a powerful and civilize empire. The plough, the loom, and the forge, are introduce on the banks of the Volga, the Oby, and the Lena; and th fiercest of the Tartar hordes have been taught to tremble an obey. The reign of independent Barbarism is now contracte to a narrow span; and the remnant of Calmucks or Uzbeck whose forces may be almost numbered, cannot seriously excit the apprehensions of the great republic of Europe.[6] Yet th

[6] The French and English editors of the Genealogical History of the Tarta have subjoined a curious, though imperfect, description of their present state. W might question the independence of the Calmucks, or Eluths, since they have bee

pparent security should not tempt us to forget that new enemies, nd unknown dangers, may *possibly* arise from some obscure eople, scarcely visible in the map of the world. The Arabs or aracens, who spread their conquests from India to Spain, had nguished in poverty and contempt, till Mahomet breathed into ose savage bodies the soul of enthusiasm.

II. The empire of Rome was firmly established by the singular nd perfect coalition of its members. The subject nations, signing the hope, and even the wish, of independence, em-raced the character of Roman citizens; and the provinces of ne West were reluctantly torn by the Barbarians from the osom of their mother-country.[7] But this union was purchased y the loss of national freedom and military spirit; and the rvile provinces, destitute of life and motion, expected their fety from the mercenary troops and governors, who were rected by the orders of a distant court. The happiness of an ndred millions depended on the personal merit of one or vo men, perhaps children, whose minds were corrupted by ducation, luxury, and despotic power. The deepest wounds ere inflicted on the empire during the minorities of the sons nd grandsons of Theodosius; and, after those incapable princes emed to attain the age of manhood, they abandoned the urch to the bishops, the state to the eunuchs, and the pro-nces to the Barbarians. Europe is now divided into twelve werful, though unequal, kingdoms, three respectable common-ealths, and a variety of smaller, though independent, states; e chances of royal and ministerial talents are multiplied, at ast with the number of its rulers; and a Julian, or Semiramis, ay reign in the North, while Arcadius and Honorius again mber on the thrones of the South.[7a] The abuses of tyranny e restrained by the mutual influence of fear and shame; publics have acquired order and stability; monarchies have bibed the principles of freedom, or, at least, of moderation; d some sense of honour and justice is introduced into the most fective constitutions by the general manners of the times. In

ently vanquished by the Chinese, who, in the year 1759, subdued the lesser charia, and advanced into the country of Badakshan, near the sources of the us (Mémoires sur les Chinois, tom. i. p. 325-400). But these conquests are carious, nor will I venture to ensure the safety of the Chinese empire.

[7] The prudent reader will determine how far this general proposition is weakened the revolt of the Isaurians, the independence of Britain and Armorica, the orish tribes, or the Bagaudæ of Gaul and Spain (vol. i. p. 280, vol. iii. p. 352, , 480).

[7a] [For the text of the 1st edit. see Appendix 6.]

peace, the progress of knowledge and industry is accelerated
the emulation of so many active rivals: in war, the Europe
forces are exercised by temperate and undecisive contests. If
savage conqueror should issue from the deserts of Tartary,
must repeatedly vanquish the robust peasants of Russia, t
numerous armies of Germany, the gallant nobles of France, a
the intrepid freemen of Britain; who, perhaps, might confeder
for their common defence. Should the victorious Barbaria
carry slavery and desolation as far as the Atlantic Ocean, t
thousand vessels would transport beyond their pursuit the rema
of civilized society; and Europe would revive and flourish in t
American world, which is already filled with her colonies a
institutions.[8]

III. Cold, poverty, and a life of danger and fatigue, fort
the strength and courage of Barbarians. In every age th
have oppressed the polite and peaceful nations of China, Ind
and Persia, who neglected, and still neglect, to counterbalan
these natural powers by the resources of military art. The w
like states of antiquity, Greece, Macedonia, and Rome, educat
a race of soldiers; exercised their bodies, disciplined th
courage, multiplied their forces by regular evolutions, and co
verted the iron which they possessed, into strong and serviceal
weapons. But this superiority insensibly declined with th
laws and manners; and the feeble policy of Constantine a
his successors armed and instructed, for the ruin of the empi
the rude valour of the Barbarian mercenaries. The milita
art has been changed by the invention of gunpowder; wh
enables man to command the two most powerful agents
nature, air and fire. Mathematics, chymistry, mechanics, arc
tecture, have been applied to the service of war; and the s
verse parties oppose to each other the most elaborate modes
attack and of defence. Historians may indignantly obse
that the preparations of a siege would found and maintain
flourishing colony;[9] yet we cannot be displeased that t

[8] America now contains about six millions of European blood and descent; t
their numbers, at least in the North, are continually increasing. Whatever r
be the changes of their political situation, they must preserve the manners
Europe; and we may reflect with some pleasure that the English language
probably be diffused over an immense and populous continent.

[9] On avoit fait venir (for the siege of Turin) 140 pièces de canon; et il e
remarquer que chaque gros canon monté revient à environ 2000 écus; il y a
110,000 boulets; 106,000 cartouches d'une façon, et 300,000 d'une autre; 21,
bombes; 27,700 grenades, 15,000 sacs à terre, 30,000 instrumens pour le p
nage; 1,200,000 livres de poudre. Ajoutez à ces munitions, le plomb, le
et le fer blanc, les cordages, tout ce qui sert aux mineurs, le souphre, le salpê

ubversion of a city should be a work of cost and difficulty, or hat an industrious people should be protected by those arts, vhich survive and supply the decay of military virtue. Cannon nd fortifications now form an impregnable barrier against the 'artar horse ; and Europe is secure from any future irruption f Barbarians ; since, before they can conquer, they must cease o be barbarous. Their gradual advances in the science of war vould always be accompanied, as we may learn from the exmple of Russia, with a proportionable improvement in the arts f peace and civil policy ; and they themselves must deserve a lace among the polished nations whom they subdue.

Should these speculations be found doubtful or fallacious, here still remains a more humble source of comfort and hope. he discoveries of ancient and modern navigators, and the domestic history, or tradition, of the most enlightened nations, epresent the *human savage*, naked both in mind and body, and estitute of laws, of arts, of ideas, and almost of language.[10] rom this abject condition, perhaps the primitive and universal ate of man, he has gradually arisen to command the animals, o fertilise the earth, to traverse the ocean, and to measure the eavens. His progress in the improvement and exercise of his ental and corporeal faculties [11] has been irregular and various, finitely slow in the beginning, and increasing by degrees with doubled velocity ; ages of laborious ascent have been followed y a moment of rapid downfall ; and the several climates of the obe have felt the vicissitudes of light and darkness. Yet he experience of four thousand years should enlarge our opes, and diminish our apprehensions ; we cannot determine what height the human species may aspire in their advances towards perfection ; but it may safely be presumed hat no people, unless the face of nature is changed, will

outils de toute espèce. Il est certain que les frais de tous ces préparatifs de struction suffiroient pour fonder et pour faire fleurir la plus nombreuse colonie. oltaire, Siècle de Louis XIV. c. xx. in his Works, tom. xi. p. 391.

[10] It would be an easy though tedious task to produce the authorities of poets, ilosophers, and historians. I shall therefore content myself with appealing to e decisive and authentic testimony of Diodorus Siculus (tom. i. l. i. p. 11, 12 8], l. iii. p. 184, &c. [c. 14, 15], edit. Wesseling). The Ichthyophagi, who in his ne wandered along the shores of the Red Sea, can only be compared to the tives of New Holland (Dampier's Voyages, vol. i. p. 464-469). Fancy or perps reason may still suppose an extreme and absolute state of nature far below e level of these savages, who had acquired some arts and instruments.

[11] See the learned and rational work of the President Goguet, de l'Origine des ix, des Arts, et des Sciences. He traces from facts or conjectures (tom. i. p. 7-337, edit. 12mo) the first and most difficult steps of human invention.

relapse into their original barbarism. The improvements of society may be viewed under a threefold aspect. 1. The poet or philosopher illustrates his age and country by the efforts of a *single* mind; but these superior powers of reason or fancy are rare and spontaneous productions, and the genius of Homer, of Cicero, or Newton, would excite less admiration, if they could be created by the will of a prince or the lessons of a preceptor. 2. The benefits of law and policy, of trade and manufactures, of arts and sciences, are more solid and permanent; and *many* individuals may be qualified, by education and discipline, to promote, in their respective stations, the interest of the community. But this general order is the effect of skill and labour, and the complex machinery may be decayed by time or injured by violence. 3. Fortunately for mankind, the more useful, or, at least, more necessary arts can be performed without superior talents or national subordination; without the powers of *one* or the union of *many*. Each village, each family, each individual, must always possess both ability and inclination to perpetuate the use of fire [12] and of metals; the propagation and service of domestic animals; the methods of hunting and fishing; the rudiments of navigation; the imperfect cultivation of corn or other nutritive grain; and the simple practice of the mechanic trades. Private genius and public industry may be extirpated; but these hardy plants survive the tempest, and strike an everlasting root into the most unfavourable soil. The splendid days of Augustus and Trajan were eclipsed by a cloud of ignorance; and the Barbarians subverted the laws and palaces of Rome. But the scythe, the invention or emblem of Saturn,[13] still continued annually to mow the harvests of Italy; and the human feasts of the Læstrygons [14] have never been renewed on the coast of Campania.

Since the first discovery of the arts, war, commerce, and religious zeal have diffused, among the savages of the Old and

[12] It is certain, however strange, that many nations have been ignorant of the use of fire. Even the ingenious natives of Otaheite, who are destitute of metals, have not invented any earthen vessels capable of sustaining the action of fire and of communicating the heat to the liquids which they contain.

[13] Plutarch. Quæst. Rom. in tom. ii. p. 275. Macrob. Saturnal. l. i. c. 8, p. 152, edit. London. The arrival of Saturn (or his religious worship) in a ship may indicate that the savage coast of Latium was first discovered and civilized by the Phœnicians.

[14] In the ninth and tenth books of the Odyssey, Homer has embellished the tales of fearful and credulous sailors, who transformed the cannibals of Italy and Sicily into monstrous giants.

New World, those inestimable gifts: they have been successively propagated; they can never be lost. We may therefore acquiesce in the pleasing conclusion that every age of the world has increased, and still increases, the real wealth, the happiness, the knowledge, and perhaps the virtue, of the human race.[15]

[15] The merit of discovery has too often been stained with avarice, cruelty, and fanaticism; and the intercourse of nations has produced the communication of disease and prejudice. A singular exception is due to the virtue of our own times and country. The five great voyages successively undertaken by the command of his present Majesty were inspired by the pure and generous love of science and of mankind. The same prince, adapting his benefactions to the different stages of society, has founded a school of painting in his capital, and has introduced into the islands of the South Sea the vegetables and animals most useful to human life.

CHAPTER XXXIX

Zeno and Anastasius, Emperors of the East—Birth, Education, and first Exploits of Theodoric the Ostrogoth—His Invasion and Conquest of Italy—The Gothic Kingdom of Italy—State of the West—Military and Civil Government—The Senator Boethius—Last Acts and Death of Theodoric

A.D. 476-527

After the fall of the Roman Empire in the West, an interval of fifty years, till the memorable reign of Justinian, is faintly marked by the obscure names and imperfect annals of Zeno, Anastasius, and Justin, who successively ascended the throne of Constantinople. During the same period, Italy revived and flourished under the government of a Gothic king, who might have deserved a statue among the best and bravest of the ancient Romans.

Birth and education of Theodoric. A.D. 455-475

Theodoric the Ostrogoth, the fourteenth in lineal descent of the royal line of the Amali,[1] was born in the neighbourhood of Vienna[2] two years after the death of Attila. A recent victory had restored the independence of the Ostrogoths; and the three brothers, Walamir, Theodemir, and Widimir, who ruled that warlike nation with united counsels, had separately pitched their habitations in the fertile though desolate province of Pannonia.

[1] Jornandes (de Rebus Geticis, c. 13, 14, p. 629, 630, edit. Grot.) has drawn the pedigree of Theodoric from Gapt, one of the *Anses* or Demi-gods who lived about the time of Domitian. Cassiodorius, the first who celebrates the royal race of the Amali (Variar. viii. 5, ix. 25, x. 2, xi. 1), reckons the grandson of Theodoric as the xviith in descent. Peringsciold (the Swedish commentator of Cochlœus Vit. Theodoric. p. 271, &c. Stockholm, 1699) labours to connect this genealogy with the legends or traditions of his native country.

[2] More correctly, on the banks of the lake Pelso (Neusiedler-see), near Carnuntum, almost on the same spot where Marcus Antoninus composed his Meditations (Jornandes, c. 52, p. 659. Severin, Pannonia Illustrata, p. 22. Cellarius Geograph. Antiq. tom. i. p. 350). [Date of Theodoric's birth, c. 454 (not earlier); he was sent to Constantinople in A.D. 461.]

[3] [This division of the kingdom, which we find so often among the Franks, meets us here first among the Goths. Walamir's part seems to have been between the rivers Save and Drave, Widimir's between the Save and the Plattensee, Theodemir between the Plattensee and the Danube. Cp. Hodgkin, Italy and her Invaders iii. p. 14.]

The Huns still threatened their revolted subjects, but their hasty attack was repelled by the single forces of Walamir, and the news of his victory reached the distant camp of his brother in the same auspicious moment that the favourite concubine of Theodemir was delivered of a son and heir. In the eighth year of his age, Theodoric was reluctantly yielded by his father to the public interest, as the pledge of an alliance which Leo, emperor of the East, had consented to purchase by an annual subsidy of three hundred pounds of gold. The royal hostage was educated at Constantinople with care and tenderness. His body was formed to all the exercises of war, his mind was expanded by the habits of liberal conversation; he frequented the schools of the most skilful masters; but he disdained or neglected the arts of Greece, and so ignorant did he always remain of the first elements of science that a rude mark was contrived to represent the signature of the illiterate king of Italy.[4] As soon as he had attained the age of eighteen, he was restored to the wishes of the Ostrogoths, whom the emperor aspired to gain by liberality and confidence. Walamir had fallen in battle; the youngest of the brothers, Widimir, had led away into Italy and Gaul an army of Barbarians, and the whole nation acknowledged for their king the father of Theodoric. His ferocious subjects admired the strength and stature of their young prince;[5] and he soon convinced them that he had not degenerated from the valour of his ancestors. At the head of six thousand volunteers he secretly left the camp in quest of adventures, descended the Danube as far as Singidunum or Belgrade, and soon returned to his father with the spoils of a Sarmatian king whom he had vanquished and slain. Such triumphs, however, were productive only of fame, and the invincible Ostrogoths were reduced to extreme distress by the want of clothing and food. They unanimously resolved to desert their Pannonian encampments, and boldly to

[Erelieva]

[Thiuda-reiks, "ruler of the people"]

[c. 470 A.D.]

[c. 471 A.D.]

[4] The four first letters of his name (ΘΕΟΔ) were inscribed on a gold plate, and, when it was fixed on the paper, the king drew his pen through the intervals (Anonym. Valesian. ad calcem Amm. Marcellin. p. 722). This authentic fact, with the testimony of Procopius, or at least of the contemporary Goths (Gothic. l. i. c. 2, p. 11), far outweighs the vague praises of Ennodius (Sirmond, Opera, tom. i. p. 1596) and Theophanes (Chronograph. p. 112). [The same story is told of the Emperor Justin in the Secret History of Procopius. Mr. Hodgkin thinks it was transferred from Justin to Theodoric. It might be legitimate to make the reverse supposition, seeing that Procopius was ill disposed to Justin, the Anon. Val. impartial towards Theodoric.]

[5] Statura est quæ resignet proceritate [*leg.* prolixitate] regnantem (Ennodius, p. 1614 [§ 89; p. 214, ed. Vogel]). The bishop of Pavia (I mean the ecclesiastic who wished to be a bishop) then proceeds to celebrate the complexion, eyes, hands, &c. of his sovereign.

advance into the warm and wealthy neighbourhood of the Byzantine court, which already maintained in pride and luxury so many bands of confederate Goths. After proving by some [A.D. 473] acts of hostility that they could be dangerous, or at least troublesome, enemies, the Ostrogoths sold at a high price their reconciliation and fidelity, accepted a donative of lands[6] and money, [c. 474 A.D.?] and were entrusted with the defence of the lower Danube, under the command of Theodoric, who succeeded after his father's death to the hereditary throne of the Amali.[7]

The reign of Zeno. A.D. 474-491, Feb., Apr. 9

An hero, descended from a race of kings, must have despised the base Isaurian who was invested with the Roman purple, without any endowments of mind or body, without any advantages of royal birth or superior qualifications. After the failure of the Theodosian line, the choice of Pulcheria and of the senate might be justified in some measure by the characters of Marcian and Leo, but the latter of these princes confirmed and dishonoured his reign by the perfidious murder of Aspar and his sons, who too rigorously exacted the debt of gratitude and obedience. The inheritance of Leo and of the East was peaceably devolved on his infant grandson, the son of his daughter Ariadne; and her Isaurian husband, the fortunate Trascalisseus, exchanged that barbarous sound for the Grecian appellation of Zeno. After the decease of the elder Leo, he approached with unnatural respect the throne of his son, humbly received, as a gift, the second rank in the empire, and soon excited the public suspicion on the sudden and premature death of his young colleague, whose life could no longer promote the success of his ambition. But the palace of Constantinople was ruled by female influence, and agitated by female passions; and Verina, the widow of Leo, claiming his empire as her own, pronounced a sentence of deposition against the worthless and ungrateful servant on whom she alone had bestowed the sceptre of the East.[8] As soon as she

[6] [Namely, certain cities in Macedonia Prima:—Pella, Cyrrhus, Europus, Methone, Pydna, Berœa, and (?) Dius. Cp. Mommsen's Jordanes, p. 132.]

[7] The state of the Ostrogoths, and the first years of Theodoric, are found in Jornandes (c. 52-56, p. 689-696) and Malchus (Excerpt. Legat. p. 78-80), who erroneously style him the son of Walamir. [Mr. Hodgkin (p. 27) suggests that Theodoric's triumphal entry into Rome in 500 A.D., described by Anon. Vales. (67) as a triennial celebration, may have commemorated his reception of the title king in 471 A.D. in subordination to his father.]

[8] Theophanes (p. 111) inserts a copy of her *sacred* letters to the provinces: ἴστε ὅτι βασίλειον ἡμέτερόν ἐστι . . . καὶ ὅτι προεχειρησάμεθα βασιλέα Τρασκαλλισαῖον, &c. Such female pretensions would have astonished the slaves of the *first* Cæsars. [This notice of Theophanes comes from Malalas; see the fragment in *Hermes*, vi. 371 (publ. by Mommsen).]

ounded a revolt in the ears of Zeno, he fled with precipitation [A.D. 475, Jan. 9]
nto the mountains of Isauria, and her brother Basiliscus, already
nfamous by his African expedition,[9] was unanimously proclaimed
y the servile senate. But the reign of the usurper was short
nd turbulent. Basiliscus presumed to assassinate the lover of
is sister; he dared to offend the lover of his wife, the vain and
nsolent Harmatius, who, in the midst of Asiatic luxury, affected
he dress, the demeanour, and the surname of Achilles.[10] By
he conspiracy of the malcontents, Zeno was recalled from exile; [477 A.D.]
he armies, the capital, the person of Basiliscus were betrayed;
nd his whole family was condemned to the long agony of cold
nd hunger by the inhuman conqueror, who wanted courage to
ncounter or to forgive his enemies. The haughty spirit of
/erina was still incapable of submission or repose. She provoked
he enmity of a favourite general, embraced his cause as soon as
e was disgraced, created a new emperor in Syria and Egypt,
aised an army of seventy thousand men, and persisted to the [Verina's death? A.D. 486]
ast moment of her life in a fruitless rebellion, which, according
o the fashion of the age, had been predicted by Christian her-
nits and Pagan magicians. While the East was afflicted by the
assions of Verina, her daughter Ariadne was distinguished by
he female virtues of mildness and fidelity; she followed her
usband in his exile, and after his restoration she implored his
lemency in favour of her mother. On the decease of Zeno, Of Anastasius. A.D. 491-518, Apr 11, July 8
Ariadne, the daughter, the mother, and the widow of an emperor,
ave her hand and the Imperial title to Anastasius, an aged
omestic of the palace, who survived his elevation above twenty-
even years, and whose character is attested by the acclamation
f the people, "Reign as you have lived!"[11]

Whatever fear or affection could bestow, was profusely lavished Service and revolt of Theodoric. A.D. 475-483
y Zeno on the king of the Ostrogoths: the rank of patrician
nd consul, the command of the Palatine troops, an equestrian
tatue, a treasure in gold and silver of many thousand pounds,
he name of son, and the promise of a rich and honourable wife.

[9] Above, p. 34 *sqq.*

[10] Suidas, tom. i. p. 332, 333, edit. Kuster. [One of the chief causes of the fall of asiliscus was his fatal policy of restoring the primacy in the Eastern Church to he see of Ephesus at the expense of Constantinople. This won for him the power-l opposition of the Patriarch Acacius. See Zacharias Myt., v. 3-5.]

[11] The contemporary histories of Malchus and Candidus are lost; but some xtracts or fragments have been saved by Photius (lxxviii. lxxix. p. 100-102), onstantine Porphyrogenitus (Excerpt. Leg. p. 78-97), and in various articles of he Lexicon of Suidas. The Chronicle of Marcellinus (Imago Historiæ) are riginals for the reigns of Zeno and Anastasius; and I must acknowledge, almost r the last time, my obligations to the large and accurate collections of Tillemont Hist. des Emp. tom. vi. p. 472-652). [See further Appendix 1.]

As long as Theodoric condescended to serve, he supported with
[A.D. 477] courage and fidelity the cause of his benefactor: his rapid march
contributed to the restoration of Zeno; and in the second revolt
the *Walamirs*, as they were called, pursued and pressed the
Asiatic rebels, till they left an easy victory to the Imperial
[A.D. 479] troops.[12] But the faithful servant was suddenly converted into
a formidable enemy, who spread the flames of war from Con-
stantinople to the Adriatic; many flourishing cities were reduced
to ashes, and the agriculture of Thrace was almost extirpated by
the wanton cruelty of the Goths, who deprived their captive
peasants of the right hand that guided the plough.[13] On such
occasions, Theodoric sustained the loud and specious reproach of
disloyalty, of ingratitude, and of insatiate avarice, which could
be only excused by the hard necessity of his situation. He
reigned, not as the monarch, but as the minister of a ferocious
people, whose spirit was unbroken by slavery, and impatient of
real or imaginary insults. Their poverty was incurable; since
the most liberal donatives were soon dissipated in wasteful

[12] In ipsis congressionis tuæ foribus cessit invasor, cum *profugo* per te sceptra
redderentur de salute dubitanti. Ennodius then proceeds (p. 1596, 1597, tom. i
Sirmond. [p. 204, ed. Vogel]) to transport his hero (on a flying dragon?) into
Æthiopia, beyond the tropic of Cancer. The evidence of the Valesian Fragmen
(p. 717), Liberatus (Brev. Eutych. c. 25, p. 118), and Theophanes (p. 112) is more
sober and rational. [The complicated triangular duel between the two Theodorics
and the Emperor from A.D. 478 to 481 may be summarized thus:—

A.D. 478: Theodoric the Amal and Zeno *versus* Theodoric son of Triarius.
,, ,, Coalition of the two Theodorics *versus* Zeno.
,, 479: Zeno and Theodoric son of Triarius *versus* Theodoric the Amal.
,, 479-80: Zeno obtains assistance of Bulgarians against Theodoric the Amal.
,, 481: Theodoric son of Triarius *versus* Zeno. He attacks Constantinople.
,, ,, Death of Theodoric son of Triarius.
,, 482: Theodoric the Amal *versus* Zeno. He ravages Macedonia and Thessaly
,, 483: Theodoric made magister militum in praesenti.
,, 484: Theodoric consul.
,, 487: Theodoric ravages Thrace; sent to Italy.

It will be seen that Gibbon (misled by false arrangement of the fragments of Mal
chus) has presented the interview of the two Theodorics (which took place in 478
and their alliance as subsequent to the events of 479. Theodoric son of Triariu
was induced to desert his namesake by the bestowal of the post of magister militum
in praesenti. The alliance of the Bulgarians—the first time this people appears in
history—with Zeno is preserved in a fragment of John of Antioch (Müller, F.H.G.
iv. p. 619), and a success gained by Theodoric over the Bulgarian king is recorded
by Ennodius in his Panegyric on Theodoric (p. 211, ed. Vogel).—Recitach, the son
of Theodoric son of Triarius, at first reconciled to Zeno, was afterwards slain by
Theodoric the Amal at Zeno's suggestion. See John of Antioch, *ib.* p. 620.]

[13] This cruel practice is specially imputed to the *Triarian* Goths, less barbarous
as it should seem, than the *Walamirs;* but the son of Theodemir is charged with
the ruin of many Roman cities (Malchus Excerpt. Leg. p. 95). [This is the right
interpretation of the words of Malchus, χεῖράς τε ἀποτέμνειν ἅμα τῷ Ἁρματίῳ. He
does not mean "cutting off the hands of Harmatius," but that in mutilating the
peasants his conduct resembled that of Harmatius. Malch. p. 120, ed. Müller.]

uxury, and the most fertile estates became barren in their ıands; they despised, but they envied, the laborious provincials; ınd, when their subsistence had failed, the Ostrogoths embraced he familiar resources of war and rapine. It had been the wish of Theodoric (such at least was his declaration) to lead a peaceful, obscure, obedient life, on the confines of Scythia, till the Byzantine court, by splendid and fallacious promises, seduced ıim to attack a confederate tribe of Goths, who had been engaged in the party of Basiliscus. He marched from his station n Mæsia, on the solemn assurance that before he reached Hadriaıople he should meet a plentiful convoy of provisions and a einforcement of eight thousand horse and thirty thousand foot, vhile the legions of Asia were encamped at Heraclea to second ıis operations. These measures were disappointed by mutual ealousy. As he advanced into Thrace, the son of Theodemir ound an inhospitable solitude, and his Gothic followers, with an ıeavy train of horses, of mules, and of waggons, were betrayed y their guides among the rocks and precipices of Mount Sondis,[14] where he was assaulted by the arms and invectives of Theodoric the son of Triarius. From a neighbouring height, his [A.D. 478] rtful rival harangued the camp of the *Walamirs*, and branded heir leader with the opprobrious names of child, of madman, of erjured traitor, the enemy of his blood and nation. "Are you gnorant," exclaimed the son of Triarius, "that it is the constant olicy of the Romans to destroy the Goths by each other's swords? Are you insensible that the victor in this unnatural contest will be xposed, and justly exposed, to their implacable revenge? Where re those warriors, my kinsmen and thy own, whose widows now ament that their lives were sacrificed to thy rash ambition? Where is the wealth which thy soldiers possessed when they vere first allured from their native homes to enlist under thy tandard? Each of them was then master of three or four ıorses; they now follow thee on foot like slaves, through the leserts of Thrace; those men who were tempted by the hope of ıeasuring gold with a bushel, those brave men who are as free nd as noble as thyself." A language so well suited to the emper of the Goths excited clamour and discontent; and the on of Theodemir, apprehensive of being left alone, was comelled to embrace his brethren, and to imitate the example of Roman perfidy.[15]

[14] [The site of this mountain is unknown.]

[15] Jornandes (c. 56, 57, p. 696) displays the services of Theodoric, confesses his ewards, but dissembles his revolt, of which such curious details have been preserved

He undertakes the conquest of Italy. A.D. 489 [488]

In every state of his fortune, the prudence and firmness of Theodoric were equally conspicuous; whether he threatened Constantinople at the head of the confederate Goths, or retreated with a faithful band to the mountains and sea-coast of Epirus. [A.D. 481] At length the accidental death of the son of Triarius[16] destroyed the balance which the Romans had been so anxious to preserve; the whole nation acknowledged the supremacy of the Amali, and the Byzantine court subscribed an ignominious and oppressive treaty.[17] The senate had already declared that it was necessary to choose a party among the Goths, since the public was unequal to the support of their united forces; a subsidy of two thousand pounds of gold, with the ample pay of thirteen thousand men, were required for the least considerable of their armies;[18] and the Isaurians, who guarded not the empire but the emperor, enjoyed, besides the privilege of rapine, an annual pension of five thousand pounds. The sagacious mind of Theodoric soon perceived that he was odious to the Romans, and suspected by the Barbarians; he understood the popular murmur that his subjects were exposed in their frozen huts to intolerable hardships, while their king was dissolved in the luxury of Greece; and he prevented the painful alternative of encountering the Goths, as the champion, or of leading them to the field as the enemy, of Zeno. Embracing an enterprise worthy of his courage and ambition, Theodoric addressed the emperor in the following words: "Although your servant is maintained in affluence by your liberality, graciously listen to the wishes of my heart. [Theodoric at Constantinople. A.D. 487] Italy, the inheritance of your predecessors, and Rome itself, the head and mistress of the world, now fluctuate under the violence and oppression of Odoacer the mercenary. Direct me, with my national troops, to march against the tyrant. If I fall, you will be relieved from an expensive and troublesome friend; if, with the Divine permission, I succeed, I shall govern in your name and to your glory, the Roman senate, and the part of the republic

by Malchus (Excerpt. Legat. p. 78-97 [fr. 11, 15, 16, ed. Müller]). Marcellinus, a domestic of Justinian, under whose fourth consulship (A.D. 534) he composed his Chronicle (Scaliger, Thesaurus Temporum, P. ii. p. 34-57), betrays his prejudice and passion: in Græciam debacchantem . . . Zenonis munificentiâ pene pacatu . . . beneficiis nunquam satiatus, &c.

[16] As he was riding in his own camp, an unruly horse threw him against the point of a spear which hung before a tent, or was fixed on a waggon (Marcellin. in Chron., Evagrius, l. iii. c. 25).

[17] See Malchus (p. 91) and Evagrius (l. iii. c. 25).

[18] Malchus, p. 85. In a single action, which was decided by the skill and discipline of Sabinian, Theodoric could lose 5000 men. [In Epirus, A.D. 479.]

delivered from slavery by my victorious arms." The proposal of Theodoric was accepted, and perhaps had been suggested, by the Byzantine court. But the forms of the commission or grant appear to have been expressed with a prudent ambiguity, which might be explained by the event; and it was left doubtful, whether the conqueror of Italy should reign as the lieutenant, the vassal, or the ally of the emperor of the East.[19]

His march [Autumn, A.D. 488]

The reputation both of the leader and of the war diffused an universal ardour; the *Walamirs* were multiplied by the Gothic warms already engaged in the service, or seated in the provinces, of the empire; and each bold Barbarian, who had heard of the wealth and beauty of Italy, was impatient to seek, through the most perilous adventures, the possession of such enchanting objects. The march of Theodoric must be considered as the migration of an entire people;[20] the wives and children of the Goths, their aged parents, and most precious effects, were carefully transported; and some idea may be formed of the heavy baggage that now followed the camp, by the loss of two thousand waggons, which had been sustained in a single action in the war of Epirus. For their subsistence, the Goths depended on the magazines of corn which was ground in portable mills by the hands of their women; on the milk and flesh of their flocks and herds; on the casual produce of the chase, and upon the contributions which they might impose on all who should presume to dispute the passage or to refuse their friendly assistance. Notwithstanding these precautions, they were exposed to the danger, and almost to the distress, of famine, in a march of seven hundred miles, which had been undertaken in the depth of a rigorous winter. Since the fall of the Roman power, Dacia and Pannonia no longer exhibited the rich prospect of populous cities, well cultivated fields, and convenient highways: the reign of barbarism and desolation was restored, and the tribes of Bulgarians, Gepidæ, and Sarmatians, who had occupied the vacant province, were prompted by their native fierceness, or the solicita-

[19] Jornandes (c. 57, p. 696, 697) has abridged the great history of Cassiodorius. See, compare, and reconcile, Procopius (Gothic. l. i. c. 1), the Valesian Fragment (p. 718 [§ 49]), Theophanes (p. 113), and Marcellinus (in Chron.). [Mr. Hodgkin translates and compares the Gothic version in Jordanes, and the Imperial version in Procopius and Anon. Val. He is inclined to ascribe this idea of invading Italy to Theodoric. It seems clear that Theodoric was to stand in the same relation to Zeno, in which Athaulf and Wallia stood to Honorius.]

[20] [Various calculations of the numbers have been made. Mr. Hodgkin estimates the fighting strength of the army at about 40,000, the whole nation at 200,000, as minimum figures.]

[Aug., 489] tions of Odoacer, to resist the progress of his enemy. In many obscure though bloody battles, Theodoric fought and vanquished; till at length, surmounting every obstacle by skilful conduct and persevering courage, he descended from the Julian Alps, and displayed his invincible banners on the confines of Italy.[21]

The three defeats of Odoacer. A.D. 489, Aug. 28, Sept. 27 A.D. 490, August

[(1) Battle of the Isonzo] Odoacer, a rival not unworthy of his arms, had already occupied the advantageous and well-known post of the river Sontius near the ruins of Aquileia; at the head of a powerful host, whose independent *kings*[22] or leaders disdained the duties of subordination and the prudence of delays. No sooner had Theodoric granted a short repose and refreshment to his wearied cavalry, than he boldly attacked the fortifications of the enemy; the Ostrogoths shewed more ardour to acquire, than the mercenaries to defend, the lands of Italy; and the reward of the first victory was the possession of the Venetian province as far as the walls of Verona. In the neighbourhood of that city, on the steep

[Athesis] banks of the rapid Adige, he was opposed by a new army, rein-

[(2) Battle of Verona, Sept. 30] forced in its numbers and not impaired in its courage: the contest was more obstinate, but the event was still more decisive; Odoacer fled to Ravenna, Theodoric advanced to Milan, and the vanquished troops saluted their conqueror with loud acclamations of respect and fidelity. But their want either of constancy or of faith soon exposed him to the most imminent danger; his van-

[489 A.D.] guard, with several Gothic counts, which had been rashly en-

[Faventia] trusted to a deserter, was betrayed and destroyed near Faenza by his double treachery; Odoacer again appeared master of the

[Ticinum] field, and the invader, strongly entrenched in his camp of Pavia, was reduced to solicit the aid of a kindred nation, the Visigoths of Gaul.[23] In the course of this history, the most voracious appetite for war will be abundantly satiated; nor can I much lament that our dark and imperfect materials do not afford a more ample narrative of the distress of Italy and of the fierce

[(3) Battle of the Addua, August 11, 490] conflict which was finally decided by the abilities, experience, and valour of the Gothic king. Immediately before the battle of Verona, he visited the tent of his mother[24] and sister, and

[21] Theodoric's march is supplied and illustrated by Ennodius (p. 1598-1602), when the bombast of the oration is translated into the language of common sense.

[22] Tot reges, &c. (Ennodius, p. 1602 [p. 207, ed. Vogel]). We must recollect how much the royal title was multiplied and degraded, and that the mercenaries of Italy were the fragments of many tribes and nations.

[23] [They were a counterpoise to the Burgundians who came to the aid of Odovacar and invaded Liguria. See Historia Miscella.]

[24] See Ennodius, p. 1603, 1604 [p. 208, ed. Vog.]. Since the orator, in the king's presence, could mention and praise his mother, we may conclude that the magnanimity of Theodoric was not hurt by the vulgar reproaches of concubine and bastard.

equested that on a day, the most illustrious festival of his life, hey would adorn him with the rich garments which they had vorked with their own hands. "Our glory," said he, "is mutual nd inseparable. You are known to the world as the mother of Theodoric; and it becomes me to prove that I am the genuine offspring of those heroes from whom I claim my descent." The vife or concubine of Theodemir was inspired with the spirit of he German matrons who esteemed their sons' honour far above heir safety; and it is reported that in a desperate action, when Theodoric himself was hurried along by the torrent of a flying crowd, she boldly met them at the entrance of the camp, and, by her generous reproaches, drove them back on the swords of he enemy.[25]

His capitulation and death. A.D. 493, March 5

From the Alps to the extremity of Calabria, Theodoric reigned by the right of conquest;[26] the Vandal ambassadors surrendered he land of Sicily, as a lawful appendage of his kingdom; and he vas accepted as the deliverer of Rome by the senate and people, vho had shut their gates against the flying usurper.[27] Ravenna lone, secure in the fortifications of art and nature, still sustained siege of almost three years; and the daring sallies of Odoacer [490-493] arried slaughter and dismay into the Gothic camp. At length, lestitute of provisions and hopeless of relief, that unfortunate nonarch yielded to the groans of his subjects and the clamours [Feb. 25, 493] f his soldiers. A treaty of peace was negotiated by the bishop f Ravenna; the Ostrogoths were admitted into the city; and the ostile kings consented, under the sanction of an oath, to rule [March 5] vith equal and undivided authority the provinces of Italy.[28] The vent of such an agreement may be easily foreseen. After some lays had been devoted to the semblance of joy and friendship, Odoacer, in the midst of a solemn banquet, was stabbed by the [March 15]

[25] This anecdote is related on the modern but respectable authority of Sigonius Op. tom. i. p. 580. De Occident. Imp. l. xv.): his words are curious: "Would ou return?" &c. She presented, and almost displayed, the original recess. [The necdote is worthless; but whence did Sigonius derive it?]

[26] [In the *Panegyric* of Ennodius, a passage (in c. x. p. 209, ed. Vogel) which scaped Gibbon's notice darkly mentions a slaughter of the adherents of Odovacar in ll parts of Italy, carried out (apparently in 490 A.D.) by a prearranged scheme. His hrases suggest that the clergy were privy to it. Cp. Dahn, Kön. der Germanen, ii. 80.]

[27] Hist. Miscell. l. xv., a Roman history from Janus to the ninth century, n Epitome of Eutropius, Paulus Diaconus, and Theophanes, which Muratori has ublished from a Ms. in the Ambrosian library (Script. Rerum Italicarum, tom. i. . 100).

[28] [This was an arrangement which obviously had no elements of permanence, nd Tillemont rejected the statement of Procopius (i. 1), on whose single authority depended until the discovery of a confirmatory fragment of John of Antioch (2142, Müller, F.H.G. v.).]

hand, or at least by the command, of his rival.[29] Secret and effectual orders had been previously dispatched; the faithless and rapacious mercenaries, at the same moment and without resistance, were universally massacred; and the royalty of Theodoric was proclaimed by the Goths, with the tardy, reluctant, ambiguous consent of the emperor of the East. The design of a conspiracy was imputed, according to the usual forms, to the prostrate tyrant; but his innocence and the guilt of his conqueror[30] are sufficiently proved by the advantageous treaty which *force* would not sincerely have granted nor *weakness* have rashly infringed. The jealousy of power and the mischiefs of discord may suggest a more decent apology, and a sentence less rigorous may be pronounced against a crime which was necessary to introduce into Italy a regeneration of public felicity. The living author of this felicity was audaciously praised in his own presence by sacred and profane orators;[31] but history (in his time she was mute and inglorious) has not left any just representation of the events which displayed, or of the defects which clouded, the virtues of Theodoric.[32] One record of his fame, the volume of public epistles composed by Cassiodorius in the royal name, is still extant, and has obtained more implicit credit than it seems

Reign of Theodoric, king of Italy. A.D. 493, March 5 – A.D. 526, Aug. 30

[29] [An account of the death of Odovacar has been recovered in a fragment of John of Antioch (*ib.* fr. 214). Theodoric invited Odovacar (now 60 years old) to a feast in the Palace of the Consul at the south-east corner of Ravenna, on March 15. As Odovacar sat at table, two men knelt before him with a petition and clasped his hands. Then soldiers, who were hidden in recesses on either side of the hall, rushed out, but for some cause they could not bring themselves to strike the king. Theodoric himself stepped forward and raised his sword. "Where is God?" cried Odovacar. "This didst thou to my friends," said Theodoric, and clave him from the collar bone to the loin. Surprised at his own stroke, he exclaimed, "The wretch can have had no bones in his body".]

[30] Procopius (Gothic. l. i. c. 1) approves himself an impartial sceptic: φασὶ . . . δολερῷ τρόπῳ ἔκτεινε. Cassiodorius (in Chron.) and Ennodius (p. 1604 [p. 210, ed. Vogel]) are loyal and incredulous, and the testimony of the Valesian Fragment (p. 718 [§ 55]) may justify their belief. Marcellinus spits the venom of a Greek subject—perjuriis illectus interfectusque est (in Chron.).

[31] The sonorous and servile oration of Ennodius was pronounced at Milan or Ravenna in the years 507 or 508 (Sirmond, tom. i. p. 1615). Two or three years afterwards, the orator was rewarded with the bishopric of Pavia, which he held till his death in the year 521 (Dupin, Bibliot. Eccles., tom. v. p. 11-14. See Saxii Onomasticon, tom. ii. p. 12).

[32] Our best materials are occasional hints from Procopius and the Valesian Fragment, which was discovered by Sirmond, and is published at the end of Ammianus Marcellinus. The author's name is unknown, and his style is barbarous; but in his various facts he exhibits the knowledge, without the passions, of a contemporary. [See Appendix 1.] The president Montesquieu had formed the plan of an history of Theodoric, which at a distance might appear a rich and interesting subject.

o deserve.[33] They exhibit the forms, rather than the substance, f his government; and we should vainly search for the pure and pontaneous sentiments of the Barbarian amidst the declamation nd learning of a sophist, the wishes of a Roman senator, the precedents of office, and the vague professions which, in every ourt and on every occasion, compose the language of discreet ministers. The reputation of Theodoric may repose with more confidence on the visible peace and prosperity of a reign of thirty-hree years, the unanimous esteem of his own times, and the nemory of his wisdom and courage, his justice and humanity, vhich was deeply impressed on the minds of the Goths and talians.

Partition of lands

The partition of the lands of Italy, of which Theodoric assigned he third part to his soldiers, is *honourably* arraigned as the sole njustice of his life. And even this act may be fairly justified by the example of Odoacer, the rights of conquest, the true nterest of the Italians, and the sacred duty of subsisting a whole people, who, on the faith of his promises, had transported themselves into a distant land.[34] Under the reign of Theodoric, and n the happy climate of Italy, the Goths soon multiplied to a formidable host of two hundred thousand men,[35] and the whole mount of their families may be computed by the ordinary ddition of women and children. Their invasion of property, a part of which must have been already vacant, was disguised by he generous but improper name of *hospitality;* these unwelcome guests were irregularly dispersed over the face of Italy, and the ot of each Barbarian was adequate to his birth and office, the umber of his followers, and the rustic wealth which he possessed n slaves and cattle. The distinctions of noble and plebeian were cknowledged;[36] but the lands of every freeman were exempt

[33] The best edition of the *Variarum Libri* xii. is that of Joh. Garretius (Rotomagi, 1679, in Opp. Cassiodor. 2 vols. in fol.); but they deserved and required such n editor as the Marquis Scipio Maffei, who thought of publishing them at Verona. The *Barbara Eleganza* (as it is ingeniously named by Tiraboschi) is never simple nd seldom perspicuous. [See further Appendix 1.]

[34] Procopius, Gothic. l. i. c. 1, Variarum, ii. [16]. Maffei (Verona Illustrata, p. p. 228) exaggerates the injustice of the Goths, whom he hated as an Italian oble. The plebeian Muratori crouches under their oppression. [The process of istribution may have been in the main a transferring of the thirds of the men of dovacar to the men of Theodoric.]

[35] Procopius, Goth. l. iii. c. 4, 21. Ennodius describes (p. 1612, 1613 [p. 213, d. Vogel]) the military arts and increasing numbers of the Goths.

[36] When Theodoric gave his sister to the king of the Vandals, she sailed for frica with a guard of 1000 noble Goths, each of whom was attended by five rmed followers (Procop. Vandal. l. i. c. 8). The Gothic nobility must have been s numerous as brave.

from taxes, and he enjoyed the inestimable privilege of being subject only to the laws of his country.[37] Fashion, and even convenience, soon persuaded the conquerors to assume the more elegant dress of the natives, but they still persisted in the use of their mother-tongue; and their contempt for the Latin schools was applauded by Theodoric himself, who gratified their prejudices, or his own, by declaring that the child who had trembled at a rod would never dare to look upon a sword.[38] Distress might sometimes provoke the indigent Roman to assume the ferocious manners which were insensibly relinquished by the rich and luxurious Barbarian;[39] but these mutual conversions were not encouraged by the policy of a monarch who perpetuated the separation of the Italians and Goths; reserving the former for the arts of peace and the latter for the service of war. To accomplish this design, he studied to protect his industrious subjects, and to moderate the violence without enervating the valour of his soldiers, who were maintained for the public defence. They held their lands and benefices as a military stipend; at the sound of the trumpet they were prepared to march under the conduct of their provincial officers; and the whole extent of Italy was distributed into the several quarters of a well-regulated camp. The service of the palace and of the frontiers was performed by choice or by rotation; and each extraordinary fatigue was recompensed by an increase of pay and occasional donatives. Theodoric had convinced his brave companions that empire must be acquired and defended by the same arts. After his example, they strove to excel in the use not only of the lance and sword, the instruments of their victories, but of the missile weapons, which they were too much inclined to neglect; and the lively image of war was displayed in the daily exercise and annual reviews of the Gothic cavalry. A firm though gentle discipline imposed the habits of modesty, obedience, and temperance; and the Goths were instructed to spare the people, to reverence the laws, to understand the

Separation of the Goths and Italians

[37] See the acknowledgment of Gothic liberty, Var. v. 30. [But compare i. 1 and iv. 14.]

[38] Procopius, Goth. l. i. c. 2. The Roman boys learned the language (Var. viii 21) of the Goths. Their general ignorance is not destroyed by the exceptions o Amalasuntha, a female, who might study without shame, or of Theodatus, whos learning provoked the indignation and contempt of his countrymen.

[39] A saying of Theodoric was founded on experience: "Romanus miser imi tatur Gothum; et utilis (*dives* [Valois suggested *utilis*, which is adopted by Gardt hausen]) Gothus imitatur Romanum". (See the Fragment and Notes of Valesius p. 719 [§ 61].)

duties of civil society, and to disclaim the barbarous licence of judicial combat and private revenge.[40]

Foreign policy of Theodoric

Among the Barbarians of the West, the victory of Theodoric had spread a general alarm. But, as soon as it appeared that he was satisfied with conquest and desirous of peace, terror was changed into respect, and they submitted to a powerful mediation, which was uniformly employed for the best purposes of reconciling their quarrels and civilizing their manners.[41] The ambassadors who resorted to Ravenna from the most distant countries of Europe, admired his wisdom, magnificence,[42] and courtesy; and, if he sometimes accepted either slaves or arms, white horses or strange animals, the gift of a sundial, a water-clock, or a musician, admonished even the princes of Gaul, of the superior art and industry of his Italian subjects. His domestic alliances,[43] a wife, two daughters, a sister, and a niece, united the family of Theodoric with the kings of the Franks, the Burgundians, the Visigoths, the Vandals, and the Thuringians; and contributed to maintain the harmony, or at least the balance, of the great republic of the West.[44] It is difficult in the dark forests of Germany and Poland to pursue the emigrations of the Heruli, a fierce people who disdained the use of armour, and who condemned their widows and aged parents not to survive the loss of their husbands or the decay of their strength.[45] The king of these savage warriors solicited the friendship of Theodoric, and was elevated to the rank of his son, according to the

[40] The view of the military establishment of the Goths in Italy is collected from the Epistles of Cassiodorius (Var. i. 24, 40; iii. 3[23?], 24, 48; iv. 13, 14; v. 26, 27; viii. 3, 4, 25). They are illustrated by the learned Mascou (Hist. of the Germans, l. xi. 40-44. Annotation xiv.).

[41] See the clearness and vigour of his negotiations in Ennodius (p. 1607) and Cassiodorius (Var. iii. 1, 2, 3, 4; iv. 13; v. 43, 44), who gives the different styles of friendship, counsel, expostulation, &c.

[42] Even of his table (Var. vi. 9) and palace (vii. 5). The admiration of strangers is represented as the most rational motive to justify these vain expenses, and to stimulate the diligence of the officers to whom those provinces were entrusted.

[43] See the public and private alliances of the Gothic monarch, with the Burgundians (Var. i. 45, 46), with the Franks (ii. 40), with the Thuringians (iv. 1), and with the Vandals (v. i.). Each of these epistles affords some curious knowledge of the policy and manners of the Barbarians. [Cp. genealogical table, App. 7.]

[44] His political system may be observed in Cassiodorius (Var. iv. 1, ix. 1), Jornandes (c. 58, p. 698, 699), and the Valesian Fragment (p. 720, 721). Peace, honourable peace, was the constant aim of Theodoric.

[45] The curious reader may contemplate the Heruli of Procopius (Goth. l. ii. c. 14), and the patient reader may plunge into the dark and minute researches of M. de Buat (Hist. des Peuples Anciens, tom. ix. p. 348-396). [Cp. Zeuss, Die Deutschen und die Nachbarstämme, p. 476.]

barbaric rites of a military adoption.[46] From the shores of the Baltic, the Æstians or Livonians laid their offerings of native amber [47] at the feet of a prince whose fame had excited them to undertake an unknown and dangerous journey of fifteen hundred miles. With the country [48] from whence the Gothic nation derived their origin he maintained a frequent and friendly correspondence; the Italians were clothed in the rich sables [49] of Sweden; and one of its sovereigns, after a voluntary or reluctant abdication, found an hospitable retreat in the palace of Ravenna. He had reigned over one of the thirteen populous tribes who cultivated a small portion of the great island or peninsula of Scandinavia, to which the vague appellation of Thule has been sometimes applied. That northern region was peopled, or had been explored, as high as the sixty-eighth degree of latitude, where the natives of the polar circle enjoy and lose the presence of the sun at each summer and winter solstice during an equal period of forty days.[50] The long night of his absence or death was the mournful season of distress and anxiety, till the messengers who had been sent to the mountain tops descried the first rays of returning light and proclaimed to the plain below the festival of his resurrection.[51]

[46] Variarum, iv. 2. The spirit and forms of this martial institution are noticed by Cassiodorius; but he seems to have only translated the sentiments of the Gothic king into the language of Roman eloquence.

[47] Cassiodorius, who quotes Tacitus to the Æstians, the unlettered savages of the Baltic (Var. v. 2), describes the amber for which their shores have ever been famous, as the gum of a tree, hardened by the sun, and purified and wafted by the waves. When that singular substance is analysed by the chemists, it yields a vegetable oil and a mineral acid. [Tacitus, Germ., 45.]

[48] Scanzia, or Thule, is described by Jornandes (c. 3, p. 610-613) and Procopius (Goth. l. ii. c. 15). Neither the Goth nor the Greek had visited the country; both had conversed with the natives in their exile at Ravenna or Constantinople.

[49] *Saphirinas pelles*. In the time of Jornandes, they inhabited *Suethans*, the proper Sweden; but that beautiful race of animals has gradually been driven into the eastern parts of Siberia. See Buffon (Hist. Nat. tom. xiii. p. 309-313, quarto edition); Pennant (System of Quadrupeds, vol. i. p. 322-328); Gmelin (Hist. Gén. des Voyages, tom. xviii. p. 257, 258); and Levésque (Hist. de Russie, tom. v. p. 165, 166, 514, 515).

[50] In the system or romance of M. Bailly (Lettres sur les Sciences et sur l'Atlantide, tom. i. p. 249-256, tom. ii. p. 114-139), the phœnix of the Edda, and the annual death and revival of Adonis and Osiris, are the allegorical symbols of the absence and return of the sun in the arctic regions. This ingenious writer is a worthy disciple of the great Buffon; nor is it easy for the coldest reason to withstand the magic of their philosophy.

[51] Αὕτη τε Θυλίταις ἡ μεγίστη τῶν ἑορτῶν ἐστι, says Procopius. At present a rude Manicheism (generous enough) prevails among the Samoyedes in Greenland and in Lapland (Hist. des Voyages, tom. xviii. p. 508, 509, tom. xix. p. 105, 106, 527, 528); yet, according to Grotius, Samojutæ caelum atque astra adorant, numina haud aliis iniquiora (de Rebus Belgicis. l. iv. p. 338, folio edition): a sentence which Tacitus would not have disowned.

The life of Theodoric represents the rare and meritorious ample of a Barbarian, who sheathed his sword in the pride of ctory and the vigour of his age. A reign of three and thirty ars was consecrated to the duties of civil government, and the stilities in which he was sometimes involved were speedily rminated by the conduct of his lieutenants, the discipline of s troops, the arms of his allies, and even by the terror of his me. He reduced, under a strong and regular government, e unprofitable countries of Rhætia, Noricum, Dalmatia, and nnonia, from the source of the Danube and the territory of e Bavarians,[52] to the petty kingdom erected by the Gepidæ on e ruins of Sirmium. His prudence could not safely entrust the lwark of Italy to such feeble and turbulent neighbours; and s justice might claim the lands which they oppressed, either as part of his kingdom or as the inheritance of his father. The eatness of a scrvant, who was named perfidious because he was ccessful, awakened the jealousy of the emperor Anastasius; d a war was kindled on the Dacian frontier, by the protection hich the Gothic king, in the vicissitude of human affairs, had anted to one of the descendants of Attila. Sabinian, a general ustrious by his own and father's merit, advanced at the head ten thousand Romans; and the provisions and arms, which ed a long train of waggons, were distributed to the fiercest of e Bulgarian tribes. But, in the fields of Margus, the eastern wers were defeated by the inferior forces of the Goths and uns;[53] the flower, and even the hope, of the Roman armies s irretrievably destroyed; and such was the temperance with hich Theodoric had inspired his victorious troops, that, as their ader had not given the signal of pillage, the rich spoils of the emy lay untouched at their feet.[54] Exasperated by this dis- ace, the Byzantine court dispatched two hundred ships and ght thousand men to plunder the sea-coast of Calabria and pulia; they assaulted the ancient city of Tarentum, interrupted e trade and agriculture of an happy country, and sailed back the Hellespont, proud of their piratical victory over a people

His defensive wars

[A.D. 504]

[A.D. 505]

His naval armament. A. D. 509 [508]

[52] See the Hist. des Peuples Anciens, &c. tom. ix. p. 255-273, 396-501. The nt de Buat was French minister at the court of Bavaria: a liberal curiosity mpted his inquiries into the antiquities of the country, and that curiosity was *germ* of twelve respectable volumes.

[53] [The "Huns" are Bulgarians; see Ennodius, *Paneg.*, c. xii. p. 211, ed. Vogel.]

[54] See the Gothic transactions on the Danube and in Illyricum, in Jornandes (c. p. 699), Ennodius (p. 1607-1610 [p. 210, 211, ed. Vogel]), Marcellinus (in ron. p. 44, 47, 48), and Cassiodorius (in Chron. and Var. iii. 23, 50; iv. 13; vii. 4; viii. 9, 10, 11, 21; ix. 8, 9).

whom they still presumed to consider as their *Roman* brethren
Their retreat was possibly hastened by the activity of Theodori
Italy was covered by a fleet of a thousand light vessels,[56] whi
he constructed with incredible dispatch; and his firm mode
tion was soon rewarded by a solid and honourable peace. H
maintained with a powerful hand the balance of the West, t
it was at length overthrown by the ambition of Clovis; an
although unable to assist his rash and unfortunate kinsman t
king of the Visigoths, he saved the remains of his family a
[A.D. 511] people, and checked the Franks in the midst of their victorio
career. I am not desirous to prolong or repeat[57] this narrati
of military events, the least interesting of the reign of The
doric; and shall be content to add that the Alemanni we
[A.D. 504?] protected,[58] that an inroad of the Burgundians was severe
chastised, and that the conquest of Arles and Marseilles open
a free communication with the Visigoths, who revered him bo
as their national protector and as the guardian of his grandchi
the infant son of Alaric. Under this respectable character, t
king of Italy restored the prætorian præfecture of the Gau
reformed some abuses in the civil government of Spain, a
accepted the annual tribute and apparent submission of
military governor, who wisely refused to trust his person in t
palace of Ravenna.[59] The Gothic sovereignty was establish

[55] I cannot forbear transcribing the liberal and classic style of Count Marcellin
Romanus comes domesticorum et Rusticus comes scholariorum cum centum
matis navibus, totidemque dromonibus, octo millia militum armatorum sec
ferentibus, ad devastanda Italiæ littora processerunt, et usque ad Tarentum a
quissimam civitatem aggressi sunt; remensoque mari inhonestam victoriam qu
piratico ausu Romani ex Romanis rapuerunt, Anastasio Cæsari reportarunt
Chron. p. 48). See Variar. i. 16, ii. 38.

[56] See the royal orders and instructions (Var. iv. 15; v. 16-20). These arr
boats should be still smaller than the thousand vessels of Agamemnon at the s
of Troy.

[57] Above, p. 113-118.

[58] Ennodius (p. 1610 [p. 212, ed. Vog.]) and Cassiodorius, in the royal name (V
ii. 41), record his salutary protection of the Alemanni. [Compare Agathias, i. 6.
victory of the Franks over the Alamanni and the reception of Alamanni into
realm of Theodoric must be kept altogether apart chronologically, as von Schu
showed (Die Unterwerfung der Alamannen unter die Franken, 1884). The date
the former event, given in Gregory of Tours, 2, 30 (whether due to Gregory hin
or an adscript by some one else), is A.D. 495, and Mommsen is inclined to acce
(see Procem. to his ed. of Cassiodorus, p. xxxiii.). In any case the date was no
Vogel tried to prove, Sybel's Hist. Zeitschrift, 1886, Bd. 56, 385, *sqq.*) subseq
to A.D. 500. But the reception of the Alamans was subsequent to the Sirn
expedition (see below) of A.D. 504. Probably, as Mommsen suggests, Theod
assigned abodes in Pannonia to the Alaman fugitives who had been wandering a
homeless since A.D. 495.]

[59] The Gothic transactions in Gaul and Spain are represented with some
plexity in Cassiodorius (Var. iii. 32, 38, 41, 43, 44; v. 39), Jornandes (c. 58, p.

om Sicily to the Danube, from Sirmium or Belgrade[60] to the
lantic Ocean; and the Greeks themselves have acknowledged
at Theodoric reigned over the fairest portion of the western
npire.[61]

The union of the Goths and Romans might have fixed for ages
e transient happiness of Italy; and the first of nations, a new
ople of free subjects and enlightened soldiers, might have
adually arisen from the mutual emulation of their respective
tues. But the sublime merit of guiding or seconding such a
volution was not reserved for the reign of Theodoric; he
nted either the genius or the opportunities of a legislator;[62]
d, while he indulged the Goths in the enjoyment of rude
erty, he servilely copied the institutions, and even the abuses,
the political system which had been framed by Constantine
d his successors. From a tender regard to the expiring pre-
lices of Rome, the Barbarian declined the name, the purple,
d the diadem of the emperors;[63] but he assumed, under the
reditary title of king, the whole substance and plenitude of
perial prerogative.[64] His addresses to the eastern throne

Civil government of Italy according to the Roman laws

), and Procopius (Goth. l. i. c. 12). I will neither hear nor reconcile the long
contradictory arguments of the Abbé Dubos and the Count de Buat about the
s of Burgundy.

[60] ["Or Belgrade" seems to convey that Belgrade corresponds to the ancient
nium. This is a mistake. Belgrade (as the author knew) corresponds to
gidunum; Sirmium to Mitrovitz. The expedition against Sirmium took place
A.D. 504.]

[61] Theophanes, p. 113.

[62] Procopius affirms that no laws whatsoever were promulgated by Theodoric
the succeeding kings of Italy (Goth. l. ii. c. 6). He must mean in the Gothic
guage. A Latin edict of Theodoric is still extant, in one hundred and fifty-four
cles. [The edictum Theodorici was only intended for cases in which (*a*)
mans or (*b*) Goths and Romans were concerned. The Goths had their own law,
their disputes were decided by an official entitled the *Comes Gothorum* (cp. Cass.
. vii. 3) acting alone. In disputes between Goth and Roman, a Roman juriscon-
acted as assessor to the Comes Gothorum. For the text of the Edictum see part
of Dahn's Könige der Germanen; an analysis in Hodgkin, iii. 345 *sqq.* The
uliar Ostrogothic institution of the *saiones*, a sort of royal messengers, may be
ntioned here. We find a *saio* sent to call the Goths to arm against the Franks,
o rebuke a Prætorian Præfect. One remarkable duty which devolved on a *saio*
the so-called *tuitio regii nominis*, Hodgkin, *ib.* 282. When a rich unwarlike
man, "unable to protect himself against the rude assaults of sturdy Gothic
ghbours, appealed to the King for protection," the King took him under his
io, and a *saio* was quartered in his house as a guarantee of the royal protection.
turally, the institution was sometimes abused.]

[63] [Mr. Hodgkin (Italy and her Invaders, iii. p. 273) makes a statement exactly
reverse.]

[64] The image of Theodoric is engraved on his coins: his modest successors were
sfied with adding their own name to the head of the reigning emperor (Muratori,
iquitat. Italiæ Medii Ævi, tom. ii. dissert. xxvii. p. 577-579. Giannone, Istoria
le di Napoli, tom. i. p. 166). [Neither Theodoric nor any of his successors put his

were respectful and ambiguous; he celebrated in pompous st the harmony of the two republics, applauded his own gover ment as the perfect similitude of a sole and undivided empi and claimed above the kings of the earth the same pre-emine which he modestly allowed to the person or rank of Anastasi The alliance of the East and West was annually declared by t unanimous choice of two consuls; but it should seem that t Italian candidate who was named by Theodoric accepted formal confirmation from the sovereign of Constantinople.[65] T Gothic palace of Ravenna reflected the image of the court Theodosius or Valentinian. The prætorian præfect, the præfe of Rome, the quæstor, the master of the offices, with the pub and patrimonial treasurers, whose functions are painted in gau colours by the rhetoric of Cassiodorius, still continued to act the ministers of state. And the subordinate care of justice a the revenue was delegated to seven consulars, three correcto and five presidents, who governed the fifteen *regions* of Ita according to the principles and even the forms of Roman jur prudence.[66] The violence of the conquerors was abated or elud by the slow artifice of judicial proceedings; the civil administ tion with its honours and emoluments was confined to t Italians; and the people still preserved their dress and languag their laws and customs, their personal freedom, and two-thi of their landed property. It had been the object of August to conceal the introduction of monarchy; it was the policy Theodoric to disguise the reign of a Barbarian.[67] If his subje

own effigy on his gold or silver coins. On silver coins of Theodoric we find on obve the image of the Emperor; on reverse Theodoric's monogram with cross and s and INVICTA ROMA. But there is a copper coin of Theodahat with his bu

[65] The alliance of the emperor and the king of Italy are [*leg.* is] represented Cassiodorius (Var. i. 1; ii. 1, 2, 3; vi. i.) and Procopius (Goth. l. ii. c. 6; l. iii 21), who celebrate the friendship of Anastasius and Theodoric; but the figura style of compliment was interpreted in a very different sense at Constantinople Ravenna.

[66] To the xvii provinces of the Notitia, Paul Warnefrid the deacon (De R Longobard. l. ii. c. 14-22) has subjoined an xviiith, the Apennine (Mura Script. Rerum Italicarum, tom. i. p. 431-433). But of these Sardinia Corsica were possessed by the Vandals, and the two Rhætias, as well as Cottian Alps, seem to have been abandoned to a military government. The s of the four provinces that now form the kingdom of Naples is laboured by G none (tom. i. p. 172, 178) with patriotic diligence.

[67] See the Gothic history of Procopius (l. i. c. 1; l. ii. c. 6), the epistles of Cas dorius (passim, but especially the vth and vith books, which contain the *formu* or patents of offices), and the Civil History of Giannone (tom. i. l. ii. iii.). Gothic counts, which he places in every Italian city, are annihilated, however Maffei (Verona illustrata, p. i. l. viii. p. 227); for those of Syracuse and Na (Var. vi. 22, 23) were special and temporary commissions. [Cp. Mommsen, N Archiv, 14, 499 *sqq.*]

e sometimes awakened from this pleasing vision of a Roman
ernment, they derived more substantial comfort from the
racter of a Gothic prince who had penetration to discern,
firmness to pursue, his own and the public interest. Theo-
c loved the virtues which he possessed, and the talents of
ch he was destitute. Liberius was promoted to the office of [A.D. 493-500]
torian præfect for his unshaken fidelity to the unfortunate
se of Odoacer. The ministers of Theodoric, Cassiodorius [68]
Boethius, have reflected on his reign the lustre of their
ius and learning. More prudent or more fortunate than his
eague, Cassiodorius preserved his own esteem without for-
ng the royal favour; and, after passing thirty years in the
ours of the world, he was blessed with an equal term of
se in the devout and studious solitude of Squillace.

s the patron of the republic, it was the interest and duty of Prosperity of Rome
Gothic king to cultivate the affections of the senate [69] and
ple. The nobles of Rome were flattered by sonorous epithets
formal professions of respect, which had been more justly
ied to the merit and authority of their ancestors. The
ple enjoyed, without fear or danger, the three blessings of
pital, order, plenty, and public amusements. A visible dim-
ion of their numbers may be found even in the measure
iberality;[70] yet Apulia, Calabria, and Sicily poured their
ute of corn into the granaries of Rome; an allowance of
d and meat was distributed to the indigent citizens; and
y office was deemed honourable which was consecrated to
care of their health and happiness. The public games, such
Greek ambassador might politely applaud, exhibited a faint
feeble copy of the magnificence of the Cæsars, yet the
ical, the gymnastic, and the pantomime arts had not totally
in oblivion; the wild beasts of Africa still exercised in the
hitheatre the courage and dexterity of the hunters; and the
lgent Goth either patiently tolerated or gently restrained
blue and green factions, whose contests so often filled the

Two Italians of the name of Cassiodorius, the father (Var. i. 24, 40) and the
x. 24, 25), were successively employed in the administration of Theodoric. The
as born in the year 479: his various epistles as quæstor, master of the offices,
rætorian præfect, extend from 509 [possibly 507] to 539, and he lived as a
about thirty years (Tiraboschi Storia della Letteratura Italiana, tom. iii. p.
Fabricius, Bibliot. Lat. Med. Ævi, tom. i. p. 357, 358, edit. Mansi). [Cp.
ndix 1.]

See his regard for the senate in Cochlœus (Vit. Theod. viii. p. 72-80).

No more than 120,000 *modii*, or four thousand quarters (Anonym. Valesian.,
[§ 67], and Var. i. 35; vi, 18; xi. 5, 39).

Visit of Theodoric. A.D. 500

circus with clamour, and even with blood.[71] In the seven year of his peaceful reign, Theodoric visited the old capital the world; the senate and people advanced in solemn processi to salute a second Trajan, a new Valentinian; and he nob supported that character by the assurance of a just and leg government,[72] in a discourse which he was not afraid to pr nounce in public and to inscribe on a tablet of brass. Rom n this august ceremony, shot a last ray of declining glory; a a saint, the spectator of this pompous scene, could only hope, his pious fancy, that it was excelled by the celestial splendo of the New Jerusalem.[73] During a residence of six months, t fame, the person, and the courteous demeanour of the Goth king, excited the admiration of the Romans, and he contemplate with equal curiosity and surprise, the monuments that remain of their ancient greatness. He imprinted the footsteps of a co queror on the Capitoline hill, and frankly confessed that ea day he viewed with fresh wonder the forum of Trajan and h lofty column. The theatre of Pompey appeared, even in decay, as a huge mountain artificially hollowed and polishe and adorned by human industry; and he vaguely compute that a river of gold must have been drained to erect the coloss amphitheatre of Titus.[74] From the mouths of fourteen aqueduc a pure and copious stream was diffused into every part of t city; among these the Claudian water, which arose at the d tance of thirty-eight miles in the Sabine mountains, was convey along a gentle though constant declivity of solid arches, till descended on the summit of the Aventine hill. The long a spacious vaults which had been constructed for the purpose

[71] See his regard and indulgence for the spectacles of the circus, the amp theatre, and the theatre, in the Chronicle and Epistles of Cassiodorius (Var. i. 27, 30, 31, 32; iii. 51; iv. 51, illustrated by the xivth Annotation of Mascc History), who has contrived to sprinkle the subject with ostentatious though agr able learning. [It is supposed that Theodoric's visit to Rome may have been occasion of the publication of the *Edictum Theodorici;* which in that case wo probably be the work of Liberius.]

[72] Anonym. Vales. p. 721 [§ 69]. Marius Aventicensis in Chron. In the scale public and personal merit, the Gothic conqueror is at least as much *above* Val tinian, as he may seem *inferior* to Trajan.

[73] Vit. Fulgentii in Baron. Annal. Eccles. A.D. 500, No. 10.

[74] Cassiodorius describes in his pompous style the forum of Trajan (Var. viii. [vii.] 6), the theatre of Marcellus (iv. 51), and the amphitheatre of Titus (v. 42); a his descriptions are not unworthy of the reader's perusal. According to the mod prices, the Abbé Barthelemy computes that the brickwork and masonry of Coliseum would now cost twenty millions of French livres (Mém. de l'Acadé des Inscriptions, tom. xxviii. p. 585, 586). How small a part of that stupend fabric?

mmon sewers, subsisted, after twelve centuries, in their pristine ength; and the subterraneous channels have been preferred all the visible wonders of Rome.[75] The Gothic kings, so uriously accused of the ruin of antiquity, were anxious to serve the monuments of the nation whom they had subdued.[76] e royal edicts were framed to prevent the abuses, the neglect, the depredations of the citizens themselves; and a professed hitect, the annual sum of two hundred pounds of gold, twenty- thousand tiles, and the receipt of customs from the Lucrine rt, were assigned for the ordinary repairs of the walls and blic edifices. A similar care was extended to the statues of tal or marble of men or animals. The spirit of the horses, ich have given a modern name to the Quirinal, was applauded the Barbarians;[77] the brazen elephants of the *Via sacra* were igently restored;[78] the famous heifer of Myron deceived the tle, as they were driven through the forum of Peace;[79] and officer was created to protect those works of art, which Theo- ic considered as the noblest ornament of his kingdom.

Flourishing state of Italy

After the example of the last emperors, Theodoric preferred residence of Ravenna, where he cultivated an orchard with own hands.[80] As often as the peace of his kingdom was eatened (for it was never invaded) by the Barbarians, he noved his court to Verona[81] on the northern frontier, and the

[75] For the aqueducts and cloacæ, see Strabo (l. v. p. 360), Pliny (Hist. Nat. vi. 24), Cassiodorius (Var. iii. 30, 31; vi. 6), Procopius (Goth. l. i. c. 19), and dini (Roma Antica, p. 514-522). How such works could be executed by a of Rome, is yet a problem.

[76] For the Gothic care of the buildings and statues, see Cassiodorius (Var. i. 21, ii. 34; iv. 30; vii. 6, 13, 15), and the Valesian Fragment (p. 721 [§ 70 *sqq.*]). uare bricks (*tegulae*) have been found with Theodoric's name. Reg. DN. oderico Felix Roma. See Gregorovius, Gesch. der Stadt Rom, i. 294.]

[77] Var. vii. 15. These horses of Monte-Cavallo had been transported from xandria to the baths of Constantine (Nardini, p. 188). Their sculpture is dis- ed by the Abbé Dubos (Reflexions sur la Poésie et sur la Peinture, tom. i. on 39), and admired by Winckelmann (Hist. de l'Art, tom. ii. p. 159). Var. x. 10 [*leg.* 30]. They were probably a fragment of some triumphal car ber, de Elephantis, ii. 10).

[78] Procopius (Goth. l. iv. c. 21) relates a foolish story of Myron's cow, which is orated by the false wit of thirty-six Greek epigrams (Antholog. l. iv. p. 302-306, Hen. Steph. Auson. Epigram. lviii-lxviii).

[79] See an Epigram of Ennodius (ii. 3, p. 1893, 1894 [cclxiv. p. 214, ed. Vogel]) his garden and the royal gardener.

[80] His affection for that city is proved by the epithet of "Verona tua," and the nd of the hero; under the barbarous name of Dietrich of Bern (Peringskiöld Cochlæum, p. 240) [Peringskiöld annotated the Vita Theodorici regis Ostrogo- um et Italiæ of I. Cochlæus, 1699 (Stockholm)], Maffei traces him with know- e and pleasure in his native country (l. ix. p. 230-236). [On the legend of odoric in Verona, see C. Cipolla. in the Archivio Stor. It. (Florence), 1890, vi. 57 *sqq.*]

image of his palace, still extant, on a coin, represents the oldes and most authentic model of Gothic architecture. These tw capitals, as well as Pavia, Spoleto, Naples, and the rest of th Italian cities, acquired under his reign the useful or splendi decorations of churches, aqueducts, baths, porticoes, and palaces.[82] But the happiness of the subject was more truly conspicuous i the busy scene of labour and luxury, in the rapid increase an bold enjoyment of national wealth. From the shades of Tibu and Præneste, the Roman senators still retired in the winte season to the warm sun and salubrious springs of Baiæ; an their villas, which advanced on solid moles into the bay c Naples, commanded the various prospect of the sky, the earth and the water. On the eastern side of the Hadriatic, a ne campania was formed in the fair and fruitful province of Istria which communicated with the palace of Ravenna by an eas navigation of one hundred miles. The rich productions c Lucania and the adjacent provinces were exchanged at th Marcilian fountain, in a populous fair annually dedicated t
[Como] trade, intemperance, and superstition. In the solitude of Comum which had once been animated by the mild genius of Pliny, transparent bason above sixty miles in length still reflected th rural seats which encompassed the margin of the Larian lake and the gradual ascent of the hills was covered by a tripl plantation of olives, of vines, and of chesnut trees.[83] Agricultur revived under the shadow of peace, and the number of husband men was multiplied by the redemption of captives.[84] The iro mines of Dalmatia, a gold mine in Bruttium, were carefull explored, and the Pomptine marshes, as well as those of Spolet

[82] See Maffei, Verona Illustrata, Part i. p. 231, 232, 308, &c. [The image the palace given by Maffei is from a seal, not from a coin.] He imputes Goth architecture, like the corruption of language, writing, &c. not to the Barbarian but to the Italians themselves. Compare his sentiments with those of Tiraboscl (tom. iii. p. 61). [At Ravenna there are two great memorials of Theodoric; h tomb (see below, p. 204) and the church of St. Martin (called *i n caelo aureo* from i golden ceiling) now known as S. Apollinare Nuovo, with beautiful mosaics, amor which is a representation of the Palace of Theodoric. Close to the church is high wall with some marble pillars, supposed to be a fragment of the actu Palace of Theodoric, but this is very doubtful. See C. Ricci, Ravenna, e i su dintorni.]

[83] The villas, climate, and landscape of Baiæ (Var. ix. 6. See Cluver. Ital Antiq. l. iv. c. 2, p. 1119, &c.), Istria (Var. xii. 22, 26), and Comum (Var. xi. 1 compare with Pliny's two villas, ix. 7), are agreeably painted in the epistles Cassiodorius.

[84] In Liguria, numerosa agricolarum progenies (Ennodius, p. 1678, 1679, 16 [p. 101, ed. Vogel]). St. Epiphanius of Pavia redeemed by prayer or ranso 6000 captives from the Burgundians of Lyons and Savoy. Such deeds are t best of miracles.

re drained and cultivated by private undertakers, whose dis-
it reward must depend on the continuance of the public
sperity.[85] Whenever the seasons were less propitious, the
ubtful precautions of forming magazines of corn, fixing the
ce, and prohibiting the exportation, attested at least the
nevolence of the state; but such was the extraordinary plenty
ich an industrious people produced from a grateful soil that a
lon of wine was sometimes sold in Italy for less than three
things, and a quarter of wheat at about five shillings and
pence.[86] A country possessed of so many valuable objects of
change soon attracted the merchants of the world, whose
neficial traffic was encouraged and protected by the liberal
rit of Theodoric. The free intercourse of the provinces by
d and water was restored and extended; the city gates were
ver shut either by day or by night; and the common saying,
t a purse of gold might be safely left in the fields, was ex-
ssive of the conscious security of the inhabitants.[87]

Theodoric an Arian

A difference of religion is always pernicious and often fatal
the harmony of the prince and people; the Gothic con-
eror had been educated in the profession of Arianism, and
ly was devoutly attached to the Nicene faith. But the
suasion of Theodoric was not infected by zeal, and he
usly adhered to the heresy of his fathers, without conde-
nding to balance the subtile arguments of theological meta-
ysics. Satisfied with the private toleration of his Arian
taries, he justly conceived himself to be the guardian of the
blic worship, and his external reverence for a superstition
ich he despised may have nourished in his mind the salutary
ifference of a statesman or philosopher. The Catholics of his
ninions acknowledged, perhaps with reluctance, the peace of

His toleration of the Catholics

[85] The political economy of Theodoric (see Anonym. Vales. p. 721 and Cassiodorus, in Chron.) may be distinctly traced under the following heads: iron mine (i. iii. 23); gold mine (ix. 3); Pomptine marshes (ii. 32, 33); Spoleto (ii. 21); (i. 34; x. 27, 28; xi. 11, 12); trade (vi. 7, vii. 9, 23); fair of Leucothoe or St. rian in Lucania (viii. 33); plenty (xii. 4); the cursus, or public post (i. 29; ii. iv. 47; v. 5; vi. 6; vii. 33); the Flaminian way (xii. 18). [An inscription re-s the draining of the marshes, which had flowed over the Appian way between ontium and Terracina. A copy of this inscription stands in the Piazza of Terna. Cp. C.I.L. x. 6850, p. 690, and see Appendix 8.]

[86] LX modii tritici in solidum ipsius tempore fuerunt, et vinum xxx amphoras olidum (Fragment Vales.). Corn was distributed from the granaries at xv or modi for a piece of gold, and the price was still moderate.

[87] See the life of St. Cæsarius in Baronius (A.D. 508, No. 12, 13, 14). The king ented him with 300 gold solidi, and a discus of silver of the weight of sixty nds.

the church; their clergy, according to the degrees of rank
merit, were honourably entertained in the palace of Theodori
he esteemed the living sanctity of Cæsarius [88] and Epiphanius
the orthodox bishops of Arles and Pavia; and presented
decent offering on the tomb of St. Peter, without any scrupulo
inquiry into the creed of the apostle.[90] His favourite Goth
and even his mother, were permitted to retain or embrace t
Athanasian faith, and his long reign could not afford the examp
of an Italian Catholic who either from choice or compulsion h
deviated into the religion of the conqueror.[91] The people, a
the Barbarians themselves, were edified by the pomp and ord
of religious worship; the magistrates were instructed to defe
the just immunities of ecclesiastical persons and possession
the bishops held their synods, the metropolitans exercised the
jurisdiction, and the privileges of sanctuary were maintained
moderated according to the spirit of the Roman jurisprudenc
With the protection, Theodoric assumed the legal suprema
of the church; and his firm administration restored or extend
some useful prerogatives which had been neglected by t
feeble emperors of the West. He was not ignorant of t
dignity and importance of the Roman pontiff, to whom t
venerable name of POPE was now appropriated. The peace
the revolt of Italy might depend on the character of a wealth
and popular bishop, who claimed such ample dominion both
heaven and earth; who had been declared in a numerous syn
to be pure from all sin, and exempt from all judgment.[92] Wh
[A.D. 498, November] at his summons the chair of St. Peter was disputed by Symmach

[88] Ennodius in Vit. St. Epiphanii, in Sirmond Op. tom. i. p. 1672-1690. Th
doric bestowed some important favours on this bishop, whom he used as
counsellor in peace and war.

[89] Devotissimus ac si Catholicus (Anonym. Vales. p. 720); yet his offering w
no more than two silver candlesticks (*cerostrata*) of the weight of seventy poun
far inferior to the gold and gems of Constantinople and France (Anastasius
Vit. Pont. in Hormisdâ, p. 34, edit. Paris).

[90] The tolerating system of his reign (Ennodius, p. 1612, Anonym. Vales.
719. Procop. Goth. l. i. c. 1; l. ii. c. 6) may be studied in the Epistles
Cassiodorius, under the following heads: *bishops* (Var. i. 9; viii. 15, 24; xi. 2
immunities (i. 26; ii. 29, 30); *church lands* (iv. 17, 20); *sanctuaries* (ii. 11;
47); *church plate* (xii. 20); *discipline* (iv. 44); which prove at the same time t
he was the head of the church as well as of the state.

[91] We may reject a foolish tale of his beheading a Catholic deacon who turn
Arian (Theodor. Lector, No. 17). Why is Theodoric surnamed *Afer*? Fr
Vafer (Vales. ad. loc.). A light conjecture.

[92] Ennodius, p. 1621, 1622, 1636, 1638. His *libell* [p. 48 *sqq.*, ed Vogel] w
approved and registered (synodaliter) by a Roman council (Baronius, A.D. 5
No. 6. Franciscus Pagi in Breviar. Pont. Rom. tom. i. p. 242). [It is to
observed that Ennodius applies *papa* once or twice to Epiphanius.]

d Laurence, they appeared before the tribunal of an Arian narch, and he confirmed the election of the most worthy or e most obsequious candidate.[92a] At the end of his life, in a ment of jealousy and resentment, he prevented the choice the Romans, by nominating a pope in the palace of Ravenna. e danger and furious contests of a schism were mildly re- ained, and the last decree of the senate was enacted to ex- guish, if it were possible, the scandalous venality of the pal elections.[93]

Vices of his government

I have descanted with pleasure on the fortunate condition of ly; but our fancy must not hastily conceive that the golden e of the poets, a race of men without vice or misery, was lised under the Gothic conquest. The fair prospect was netimes overcast with clouds; the wisdom of Theodoric might deceived, his power might be resisted, and the declining age the monarch was sullied with popular hatred and patrician od. In the first insolence of victory, he had been tempted deprive the whole party of Odoacer of the civil and even the ural rights of society;[94] a tax unseasonably imposed after e calamities of war would have crushed the rising agriculture Liguria; a rigid pre-emption of corn, which was intended for public relief, must have aggravated the distress of Campania. ese dangerous projects were defeated by the virtue and elo- ence of Epiphanius and Boethius, who, in the presence of eodoric himself, successfully pleaded the cause of the ople;[95] but, if the royal ear was open to the voice of truth, aint and a philosopher are not always to be found at the ear kings. The privileges of rank, or office, or favour, were too quently abused by Italian fraud and Gothic violence, and the rice of the king's nephew was publicly exposed, at first by usurpation, and afterwards by the restitution, of the estates ch he had unjustly extorted from his Tuscan neighbours.

[92a] [There are two lives of Symmachus, one by a partisan of his own, the other partisan of his rival. In the main points they agree. See Duchesne, Lib. . i. p. 33.]

See Cassiodorius (Var. viii. 15; ix. 15, 16), Anastasius (in Symmacho, p. 31), the xviith Annotation of Mascou. Baronius, Pagi, and most of the Catholic ors confess, with an angry growl, this Gothic usurpation.

He disabled them—a licentia testandi; and all Italy mourned—lamentabili io. I wish to believe that these penalties were enacted against the rebels who violated their oath of allegiance; but the testimony of Ennodius (p. 1675-1678) e more weighty, as he lived and died under the reign of Theodoric.

Ennodius, in Vit. Epiphan. p. 1689, 1690 [p. 107-8, ed. Vog.]. Boethius de solatione Philosophiæ, l. i. pros. iv. p. 45, 46, 47. Respect, but weigh, the ons of the saint and the senator; and fortify or alleviate their complaints he various hints of Cassiodorius (ii. 8; iv. 36; viii. 5).

Two hundred thousand Barbarians, formidable even to the master, were seated in the heart of Italy; they indignantly supported the restraints of peace and discipline; the disorders of the march were always felt and sometimes compensated; and, when it was dangerous to punish, it might be prudent to dissemble the sallies of their native fierceness. When the indulgence of Theodoric had remitted two-thirds of the Ligurian tribute, he condescended to explain the difficulties of his situation, and to lament the heavy though inevitable burdens which he imposed on his subjects for their own defence.[96] These ungrateful subjects could never be cordially reconciled to the origin, the religion, or even the virtues of the Gothic conqueror; the calamities were forgotten, and the sense or suspicion of injury was rendered still more exquisite by the present felicity of the times.

He is provoked to persecute the Catholics

Even the religious toleration which Theodoric had the glory of introducing into the Christian world was painful and offensive to the orthodox zeal of the Italians. They respected the arm heresy of the Goths; but their pious rage was safely pointed against the rich and defenceless Jews, who had formed the establishments at Naples, Rome, Ravenna, Milan, and Genoa for the benefit of trade, and under the sanction of the laws.[97] Their persons were insulted, their effects were pillaged, and their synagogues were burnt by the mad populace of Ravenna and Rome, inflamed, as it should seem, by the most frivolous and extravagant pretences. The government which could neglect would have deserved, such an outrage. A legal inquiry was instantly directed; and, as the authors of the tumult had escaped in the crowd, the whole community was condemned to repair the damage; and the obstinate bigots who refused their contributions were whipped through the streets by the hand of the executioner. This simple act of justice exasperated the discontent of the Catholics, who applauded the merit and patience of these holy confessors; three hundred pulpits deplored the persecution of the church; and, if the chapel of St. Stephen at Verona was demolished by the command of Theodoric, it is probable that some miracle hostile to his name and dignity had been performed on that sacred theatre. At

[96] Immanium expensarum pondus . . . pro ipsorum salute, &c.; yet these are no more than words.

[97] The Jews were settled at Naples (Procopius, Goth. l. i. c. 8), at Genoa (Var. ii. 28; iv. 33), Milan (v. 37), Rome (iv. 43). See likewise Basnage, Hist. des Juifs, tom. viii. c. 7, p. 254.

close of a glorious life, the king of Italy discovered that he had excited the hatred of a people whose happiness he had so assiduously laboured to promote; and his mind was soured by indignation, jealousy, and the bitterness of unrequited love. The Gothic conqueror condescended to disarm the unwarlike natives of Italy, interdicting all weapons of offence, and excepting only a small knife for domestic use. The deliverer of Rome was accused of conspiring with the vilest informers against the lives of senators whom he suspected of a secret and treasonable correspondence with the Byzantine court.[98] After the death of Anastasius, the diadem had been placed on the head of a feeble old man; but the powers of government were assumed by his nephew Justinian, who already meditated the extirpation of heresy, and the conquest of Italy and Africa. A rigorous law which was published at Constantinople, to reduce the Arians by the dread of punishment within the pale of the church, awakened the just resentment of Theodoric, who claimed for his distressed brethren of the East the same indulgence which he had so long granted to the Catholics of his dominions. At his stern command, the Roman pontiff, with four *illustrious* senators, embarked on an embassy, of which he must have alike dreaded the failure or the success. The singular veneration shewn to the first pope who had visited Constantinople was punished as a crime by his jealous monarch; the artful or peremptory refusal of the Byzantine court might excuse an equal, and would provoke a larger, measure of retaliation; and a mandate was prepared in Italy, to prohibit, after a stated day, the exercise of the Catholic worship. By the bigotry of his subjects and enemies, the most tolerant of princes was driven to the brink of persecution; and the life of Theodoric was too long, since he lived to condemn the virtue of Boethius and Symmachus.[99]

[518 A.D.]

[Pope John I. sent to Constantinople. A.D. 525]

The senator Boethius[100] is the last of the Romans whom Cato

Character, studies, and honours of Boethius

[98] Rex avidus communis exitii, &c. (Boethius, . i. p. 59): rex dolum Romanis tendebat (Anonym. Vales. p. 723 [§ 86; the Mss. have tenebat]). These are hard words: they speak the passions of the Italians, and those (I fear) of Theodoric himself.

[99] I have laboured to extract a rational narrative from the dark, concise, and various hints of the Valesian Fragment (p. 722, 723, 724), Theophanes (p. 145), Anastasius (in Johanne, p. 35), and the Hist. Miscella (p. 103, edit. Muratori). A gentle pressure and paraphrase of their words is no violence. Consult likewise Muratori (Annali d'Italia, tom. iv. p. 471-478), with the Annals and Breviary (tom. i. 259-263) of the two Pagis, the uncle and the nephew.

[100] Le Clerc has composed a critical and philosophical life of Anicius Manlius Severinus Boethius (Bibliot. Choisie, tom. xvi. p. 168-275); and both Tiraboschi

or Tully could have acknowledged for their countryman. As wealthy orphan, he inherited the patrimony and honours of t Anician family, a name ambitiously assumed by the kings a emperors of the age; and the appellation of Manlius asserted genuine or fabulous descent from a race of consuls and dictato who had repulsed the Gauls from the Capitol and sacrificed th sons to the discipline of the republic. In the youth of Boethi the studies of Rome were not totally abandoned; a Virgil [101] now extant, corrected by the hand of a consul; and the p fessors of grammar, rhetoric, and jurisprudence, were maintain in their privileges and pensions by the liberality of the Got But the erudition of the Latin language was insufficient to satis his ardent curiosity; and Boethius is said to have employ eighteen laborious years in the schools of Athens,[102] which we supported by the zeal, the learning, and the diligence of Proc and his disciples. The reason and piety of their Roman pu were fortunately saved from the contagion of mystery and mag which polluted the groves of the academy; but he imbibed t spirit, and imitated the method, of his dead and living maste who attempted to reconcile the strong and subtle sense of Ar totle with the devout contemplation and sublime fancy of Pla

[Rusticiana] After his return to Rome and his marriage with the daugh of his friend, the patrician Symmachus, Boethius still continue in a palace of ivory and marble,[103] to prosecute the sa studies.[104] The church was edified by his profound defence

(tom. iii.) and Fabricius (Bibliot. Latin.) may be usefully consulted. The dat his birth may be placed about the year 470 [rather 480], and his death in 524, premature old age (Consol. Phil. Metrica, i. p. 5). [Some new light on Boeth and Symmachus has been gained by a fragment discovered in a 10th century at Carlsruhe. It is known as the Anecdoton Holderi and has been edited by Use (1877). Cp. Schepps's paper in the Neues Archiv. xi., 1886.]

[101] For the age and value of this Ms. now in the Medicean library at Floren see the Cenotaphia Pisana (p. 430-447), of Cardinal Noris.

[102] The Athenian studies of Boethius are doubtful (Baronius, A.D. 510, No from a spurious tract, De Disciplinâ Scholarum), and the term of eighteen year doubtless too long; but the simple fact of a visit to Athens is justified by m internal evidence (Brucker, Hist. Crit. Philosoph. tom. iii. p. 524-527), and by expression (though vague and ambiguous) of his friend Cassiodorius (Var. i. 4 "longe positas [*leg.* positus] Athenas introisti". [This expression is purely fig ative and there is no evidence that Boethius had ever visited Athens. Cp. Greg vius, Gesch. der Stadt Athen im Mittelalter, i. p. 54.]

[103] [Glass.]

[104] Bibliothecæ comptos ebore ac vitro parietes, &c. (Consol. Phil. l. i. pros p. 74). The epistles of Ennodius (vi. 6; vii. 13; viii. 1, 31, 37, 40 [271, 318, 3 408, 415, 418, ap. Vogel]), and Cassiodorius (Var. i. 39 [? 45]; iv. 6 [?]; ix. 21 afford many proofs of the high reputation which he enjoyed in his own times. is true that the bishop of Pavia wanted to purchase of him an old house at Mi and praise might be tendered and accepted in part of payment.

e orthodox creed against the Arian, the Eutychian, and the
estorian heresies; and the Catholic unity was explained or ex-
sed in a formal treatise by the *indifference* of three distinct
ough consubstantial persons.[105] For the benefit of his Latin
aders, his genius submitted to teach the first elements of the
s and sciences of Greece. The geometry of Euclid, the music
Pythagoras, the arithmetic of Nicomachus, the mechanics of
chimedes, the astronomy of Ptolemy, the theology of Plato,
d the logic of Aristotle, with the commentary of Porphyry,
re translated and illustrated by the indefatigable pen of the
oman senator. And he alone was esteemed capable of describ-
g the wonders of art, a sun-dial, a water-clock, or a sphere
hich represented the motions of the planets. From these
struse speculations, Boethius stooped, or, to speak more truly,
rose to the social duties of public and private life: the indi-
nt were relieved by his liberality; and his eloquence, which
ttery might compare to the voice of Demosthenes or Cicero,
s uniformly exerted in the cause of innocence and humanity.
ch conspicuous merit was felt and rewarded by a discerning
nce; the dignity of Boethius was adorned with the titles of
nsul and patrician, and his talents were usefully employed in [Consul 510]
e important station of master of the offices. Notwithstanding
e equal claims of the East and West, his two sons were created,
their tender youth, the consuls of the same year.[106] On the [A.D. 522]
emorable day of their inauguration, they proceeded in solemn
mp from their palace to the forum, amidst the applause of the
nate and people; and their joyful father, the true consul of
me, after pronouncing an oration in the praise of his royal
nefactor, distributed a triumphal largess in the games of the
cus. Prosperous in his fame and fortunes, in his public honours
d private alliances, in the cultivation of science and the con-
ousness of virtue, Boethius might have been styled happy, if
nt precarious epithet could be safely applied before the last
m of the life of man.

A philosopher, liberal of his wealth and parsimonious of his [His patriotism]
ne, might be insensible to the common allurements of ambi-

[105] [The genuineness of these theological treatises is proved by a positive statement in the Anecdoton Holderi.]

[106] Pagi, Muratori, &c. are agreed that Boethius himself was consul in the year
, his two sons in 522, and in 487, perhaps, his father. [For his father Aurelius
nlius Boethius, cp. C. I. L., v. 8120. He held the offices of Præf. Urbi, and
f. Præt.] A desire of ascribing the last of these consulships to the philosopher
perplexed the chronology of his life. In his honours, alliances, children, he
brates his own felicity—his past felicity (p. 109, 110).

tion, the thirst of gold and employment. And some credit ma be due to the asseveration of Boethius, that he had reluctantl obeyed the divine Plato, who enjoins every virtuous citizen t rescue the state from the usurpation of vice and ignorance. Fo the integrity of his public conduct he appeals to the memory o his country. His authority had restrained the pride and oppre sion of the royal officers, and his eloquence had delivere Paulianus from the dogs of the palace. He had always pitie and often relieved, the distress of the provincials, whose fortune were exhausted by public and private rapine; and Boethius alon had courage to oppose the tyranny of the Barbarians, elated b conquest, excited by avarice, and, as he complains, encourage by impunity. In these honourable contests, his spirit soare above the consideration of danger, and perhaps of prudence; an we may learn from the example of Cato that a character of pur and inflexible virtue is the most apt to be misled by prejudice, t be heated by enthusiasm, and to confound private enmities wit public justice. The disciple of Plato might exaggerate the in firmities of nature and the imperfections of society; and th mildest form of a Gothic kingdom, even the weight of allegianc and gratitude, must be insupportable to the free spirit of a Roma patriot. But the favour and fidelity of Boethius declined in jus proportion with the public happiness; and an unworthy colleagu was imposed, to divide and control the power of the master o the offices. In the last gloomy season of Theodoric, he indig nantly felt that he was a slave; but, as his master had onl power over his life, he stood without arms and without fea against the face of an angry Barbarian, who had been provoke to believe that the safety of the senate was incompatible wit his own. The senator Albinus was accused and already convicte on the presumption of *hoping*, as it was said, the liberty of Rom "If Albinus be criminal," exclaimed the orator, "the senate an myself are all guilty of the same crime. If we are innocen Albinus is equally entitled to the protection of the laws." Thes laws might not have punished the simple and barren wish of a unattainable blessing; but they would have shewn less indu gence to the rash confession of Boethius that, had he known a conspiracy, the tyrant never should.[107] The advocate of A binus was soon involved in the danger and perhaps the guilt o his client; their signature (which they denied as a forgery) w

He is accused of treason

[107] Si ego scissem tu nescisses. Boethius adopts this answer (l. i. pros. 4, p. 53) Julius Canus, whose philosophic death is described by Seneca (De Tranquillita Animi, c. 14).

fixed to the original address, inviting the emperor to deliver aly from the Goths; and three witnesses of honourable rank, erhaps of infamous reputation, attested the treasonable designs f the Roman patrician.[108] Yet his innocence must be presumed, nce he was deprived by Theodoric of the means of justification, nd rigorously confined in the tower of Pavia, while the senate, the distance of five hundred miles, pronounced a sentence of onfiscation and death against the most illustrious of its members. t the command of the Barbarians, the occult science of a hilosopher was stigmatized with the names of sacrilege and agic.[109] A devout and dutiful attachment to the senate was ondemned as criminal by the trembling voices of the senators hemselves; and their ingratitude deserved the wish or predic- on of Boethius, that, after him, none should be found guilty of he same offence.[110]

His imprisonment and death. A.D. 524

While Boethius, oppressed with fetters, expected each moment he sentence or the stroke of death, he composed in the tower of avia the *Consolation of Philosophy;* a golden volume not unworthy f the leisure of Plato or Tully, but which claims incomparable erit from the barbarism of the times and the situation of the thor. The celestial guide, whom he had so long invoked at ome and Athens, now condescended to illumine his dungeon, revive his courage, and to pour into his wounds her salutary lm. She taught him to compare his long prosperity and his cent distress, and to conceive new hopes from the inconstancy fortune. Reason had informed him of the precarious condition her gifts; experience had satisfied him of their real value; he d enjoyed them without guilt; he might resign them without sigh, and calmly disdain the impotent malice of his enemies, o had left him happiness, since they had left him virtue.

[108] The characters of his two delators, Basilius (Var. ii. 10, 11; iv. 22) and Opilio 41; viii. 16), are illustrated, not much to their honour, in the epistles of Cassio- ius, which likewise mention Decoratus (v. 31), the worthless colleague of Boethius iii. pros. 4, p. 193). [On the contrary we derive a favourable impression from ssiodorus as to the character of the accusers Cyprian and Opilio, and also as to coratus. Cp. Var. viii. 17; v. 3, 4. Hodgkin, iii. 543 *sqq.*]

[109] A severe inquiry was instituted into the crime of magic (Var. iv. 22, 23; ix. ; and it was believed that many necromancers had escaped by making their lers mad: for *mad*, I should read *drunk*. [The condemnation of Boethius and nmachus had nothing to do with religion, so that they are in no sense martyrs.]

[110] Boethius had composed his own Apology (p. 53), perhaps more interesting n his Consolation. We must be content with the general view of his honours, nciples, persecution, &c. (l. i. pros. iv. p. 42-62), which may be compared with short and weighty words of the Valesian Fragment (p. 723 [§ 85]). An nymous writer (Sinner, Catalog. Mss. Bibliot. Bern. tom. i. p. 287) charges him ne with honourable and patriotic treason.

From the earth, Boethius ascended to heaven in search of the SUPREME GOOD; explored the metaphysical labyrinth of chance and destiny, of prescience and free-will, of time and eternity; and generously attempted to reconcile the perfect attributes of the Deity with the apparent disorders of his moral and physical government. Such topics of consolation, so obvious, so vague or so abstruse, are ineffectual to subdue the feelings of human nature. Yet the sense of misfortune may be diverted by the labour of thought; and the sage who could artfully combine in the same work the various riches of philosophy, poetry, and eloquence, must already have possessed the intrepid calmness which he affected to seek. Suspense, the worst of evils, was at length determined by the ministers of death, who executed, and perhaps exceeded, the inhuman mandate of Theodoric. A strong cord was fastened round the head of Boethius and forcibly tightened, till his eyes almost started from their sockets; and some mercy may be discovered in the milder torture of beating him with clubs till he expired.[111] But his genius survived to diffuse a ray of knowledge over the darkest ages of the Latin world; the writings of the philosopher were translated by the most glorious of the English kings;[112] and the third emperor of the name of Otho removed to a more honourable tomb the bones of a Catholic saint, who, from his Arian persecutors, had acquired the honours of martyrdom and the fame of miracles.[113] In the last hours of Boethius, he derived some comfort from the safety of his two sons, of his wife, and of his father-in-law, the venerable Symmachus. But the grief of Symmachus was indiscreet, and perhaps disrespectful: he had presumed to lament, he might dare

[111] He was executed in Agro Calventiano (Calvenzano, between Marignano and Pavia), Anonym. Vales. p. 723 [§ 87], by order of Eusebius, count of Ticinum or Pavia. The place of his confinement is styled the *baptistery*, an edifice and name peculiar to cathedrals. It is claimed by the perpetual tradition of the church of Pavia. The tower of Boethius subsisted till the year 1584, and the draught is yet preserved (Tiraboschi, tom. iii. p. 47, 48).

[112] See the Biographica Britannica, ALFRED, tom. i. p. 80, 2d edition. This work is still more honourable if performed under the learned eye of Alfred by his foreign and domestic doctors. [Alfred made both a prose and a poetical translation.] For the reputation of Boethius in the middle ages, consult Brucker (Hist. Crit. Philosoph. tom. iii. p. 565, 566). [Chaucer also translated the Consolation.]

[113] The inscription on his new tomb was composed by the preceptor of Otho the third, the learned Pope Silvester II. who, like Boethius himself, was styled a magician by the ignorance of the times. The Catholic martyr had carried his head in his hands a considerable way (Baronius, A.D. 526, No. 17, 18); yet, on a similar tale, a lady of my acquaintance once observed, "La distance n'y fait rien; il n'y a que le premier pas qui coûte" [Madame du Deffand].

revenge, the death of an injured friend. He was dragged in Death of Symmachus. A.D. 525
ains from Rome to the palace of Ravenna; and the suspicions
f Theodoric could only be appeased by the blood of an innocent
nd aged senator.[114]

Humanity will be disposed to encourage any report which Remorse and death of Theodoric. A.D. 526, August 30
stifies the jurisdiction of conscience and the remorse of kings;
nd philosophy is not ignorant that the most horrid spectres are
metimes created by the powers of a disordered fancy and the
eakness of a distempered body. After a life of virtue and glory,
heodoric was now descending with shame and guilt into the
ave: his mind was humbled by the contrast of the past, and
stly alarmed by the invisible terrors of futurity. One evening,
it is related, when the head of a large fish was served on the
yal table,[115] he suddenly exclaimed that he beheld the angry
untenance of Symmachus, his eyes glaring fury and revenge,
nd his mouth armed with long sharp teeth which threatened to
evour him. The monarch instantly retired to his chamber, and,
he lay trembling with aguish cold, under a weight of bed-
othes, he expressed in broken murmurs to his physician Elpidius
s deep repentance for the murders of Boethius and Sym-
achus.[116] His malady increased, and, after a dysentery which
ntinued three days, he expired in the palace of Ravenna, in the
irty-third, or, if we compute from the invasion of Italy, in the
rty-seventh year of his reign. Conscious of his approaching
nd, he divided his treasures and provinces between his two
randsons, and fixed the Rhone as their common boundary.[117]
malaric was restored to the throne of Spain. Italy, with all the
nquests of the Ostrogoths, was bequeathed to Athalaric; whose

[114] Boethius applauds the virtues of his father-in-law (l. i. pros. 4, p. 59; l. ii. os. 4, p. 118). Procopius (Goth. l. i. c. 1), the Valesian Fragment (p. 724), and e Historia Miscella (l. xv. p. 105) agree in praising the superior innocence or nctity of Symmachus; and, in the estimation of the legend, the guilt of his murder equal to the imprisonment of a pope. [Q. Aurelius Memmius Symmachus was eat-grandson of the orator Symmachus who fought under Gratian and Theodosius the dying cause of Paganism.]

[115] In the fanciful eloquence of Cassiodorius, the variety of sea and river fish are evidence of extensive dominion; and those of the Rhine, of Sicily, and of the nube were served on the table of Theodoric (Var. xii. 14). The monstrous tur- t of Domitian (Juvenal. Satir. iii. 39) had been caught on the shores of the lriatic.

[116] Procopius, Goth. l. i. c. 1. But he might have informed us whether he had ceived this curious anecdote from common report or from the mouth of the royal ysician.

[117] Procopius, Goth. l. i. c. 1, 2, 12, 13. This partition had been directed by eodoric, though it was not executed till after his death. Regni hereditatem berstes reliquit (Isidor. Chron. p. 721, edit. Grot.).

age did not exceed ten years, but who was cherished as the last male offspring of the line of Amali, by the short-lived marriage of his mother Amalasuntha with a royal fugitive of the same blood.[118] In the presence of the dying monarch, the Gothic chiefs and Italian magistrates mutually engaged their faith and loyalty to the young prince and to his guardian mother; and received in the same awful moment, his last salutary advice, to maintain the laws, to love the senate and people of Rome, and to cultivate with decent reverence the friendship of the emperor.[119] The monument of Theodoric was erected by his daughter Amalasuntha, in a conspicuous situation, which commanded the city of Ravenna, the harbour, and the adjacent coast. A chapel of a circular form, thirty feet in diameter, is crowned by a dome of one entire piece of granite: from the centre of the dome four columns arose, which supported, in a vase of porphyry, the remains of the Gothic king, surrounded by the brazen statues of the twelve apostles.[120] His spirit, after some previous expiation might have been permitted to mingle with the benefactors of mankind, if an Italian hermit had not been witness in a vision to the damnation of Theodoric,[121] whose soul was plunged, by the ministers of divine vengeance, into the vulcano of Lipari, one of the flaming mouths of the infernal world.[122]

[118] Berimund, the third in descent from Hermanric, king of the Ostrogoths, had retired into Spain, where he lived and died in obscurity (Jornandes, c. 33, p. 202 edit. Murator.). See the discovery, nuptials, and death, of his grandson Eutharic (c. 58, p. 220). His Roman games might render him popular (Cassiodor. in Chron.), but Eutharic was asper in religione (Anonym. Vales. p. 722, 723 [§ 80]).

[119] See the counsels of Theodoric, and the professions of his successor, in Procopius (Goth. l. i. c. 1, 2), Jornandes (c. 59, p. 220, 221), and Cassiodorius (Var. viii. 1-7). These epistles are the triumph of his ministerial eloquence.

[120] Anonym. Vales. p. 724, Agnellus de Vitis Pont. Raven. in Muratori, Script. Rerum Ital. tom. ii. P. i. p. 67. Alberti Descrittione d'Italia, p. 311. [In the time of Agnellus, the body of Theodoric was no longer in the mausoleum. In 1854 workmen found a skeleton with a golden cuirass and helmet, some hundred yards from the tomb. It is held by the archæologist of Ravenna, C. Ricci, that this was the body of Theodoric; others have named Odovacar. The gold armour was hidden and melted down by the discoverers, but some bits of the cuirass were rescued and are in the museum at Ravenna. Mr. Hodgkin has a fanciful conjecture on the removal of the body, iii. 583.]

[121] This legend is related by Gregory I. (Dialog. iv. 30), and approved by Baronius (A.D. 526, No. 28); and both the Pope and Cardinal are grave doctors sufficient to establish a *probable* opinion.

[122] Theodoric himself, or rather Cassiodorius, had described in tragic strains the vulcanos of Lipari (Cluver. Sicilia, p. 406, 410), and Vesuvius (iv. 50).

CHAPTER XL

*levation of Justin the Elder—Reign of Justinian :—*I. *The Empress Theodora*—II. *Factions of the Circus, and Sedition of Constantinople*—III. *Trade and Manufacture of Silk*—IV. *Finances and Taxes*—V. *Edifices of Justinian—Church of St. Sophia—Fortifications and Frontiers of the Eastern Empire—Abolition of the Schools of Athens and the Consulship of Rome*

HE emperor Justinian was born[1] near the ruins of Sardica (the odern Sophia), of an obscure race[2] of Barbarians,[3] the inhabi- nts of a wild and desolate country, to which the names of ardania, of Dacia, and of Bulgaria have been successively applied. is elevation was prepared by the adventurous spirit of his uncle ıstin, who, with two other peasants of the same village, deserted, r the profession of arms, the more useful employment of ısbandmen or shepherds.[4] On foot, with a scanty provision of

Birth of the emperor Justinian. A.D. 482, May 5, or A.D. 483, May 11

[1] There is some difficulty in the date of his birth (Ludewig in Vit. Justiniani, p. 5) ; none in the place—the district Bederiana—the village Tauresium, which he erwards decorated with his name and splendour (D'Anville, Mém. de l'Acad. &c. n. xxxi. p. 287-292). [See below, p. 251, n. 114.]

[2] The names of these Dardanian peasants are Gothic, and almost English : *stinian* is a translation of *uprauda* (*upright*) ; his father *Sabatius* (in Græco- rbarous language *stipes*) was styled in his village *istock* (*stock*) ; his mother gleniza was softened into Vigilantia. [For the name of Justinian's father *Sabatius* have the authority of Procopius ; it is a Thracian word, connected with the me of the Thracian sun-god. But it was the family name, for Justinian himself o bore it ; see his full name below, note 9. The other names are Slavonic ot Gothic) and are derived from the *Justiniani Vita* of Theophilus, quoted by emanni and rediscovered by Mr. Bryce (see above, vol. i., Introduction, p. lix.,). Mediæval Slavonic legend (if it is represented in this work) conceived stinian as a Slav. *Upravda* is a translation of Justinianus (and not *vice versa*) ; *pk* means a fountain ; *Biglenizza* is explained as coming from *bieli* "white". t these (and other Slavonic names in the *Vita*) are late and bad formations mpare C. Jireček, Eng. Hist. Review, 1887, p. 685). The only result from the *ta*, Mr. Bryce thinks, is "to give us a glimpse into a sort of cyclus of Slavonic ends, attaching themselves to the great name of Justinian" (*ib.* p. 684). Prof. gič thinks the names are mainly a fabrication of Luccari (Copioso ristretto degli nali di Rausa, 1605) and other Dalmatian scholars of the time. Arch. für vische Philologie, xi. 300-4, 1888.]

[3] Ludewig (p. 127-135) attempts to justify the Anician name of Justinian and eodora, and to connect them with a family from which the house of Austria has en derived.

[4] See the anecdotes of Procopius (c. 6) with the notes of N. Alemannus. The irist would not have sunk, in the vague and decent appellation of γεωργός, the

biscuit in their knapsacks, the three youths followed the high road of Constantinople, and were soon enrolled, for their strength and stature, among the guards of the emperor Leo. Under the two succeeding reigns, the fortunate peasant emerged to wealth and honours; and his escape from some dangers which threatened his life was afterwards ascribed to the guardian angel who watches over the fate of kings. His long and laudable service in the Isaurian and Persian wars would not have preserved from oblivion the name of Justin; yet they might warrant the military promotion which in the course of fifty years he gradually obtained; the rank of tribune, of count, and of general, the dignity of senator, and the command of the guards, who obeyed him as their chief, at the important crisis when the emperor Anastasius was removed from the world. The powerful kinsmen whom he had raised and enriched were excluded from the throne; and the eunuch Amantius, who reigned in the palace, had secretly resolved to fix the diadem on the head of the most obsequious of his creatures. A liberal donative, to conciliate the suffrage of the guards, was entrusted for that purpose in the hands of their commander. But these weighty arguments were treacherously employed by Justin in his own favour; and, as no competitor presumed to appear, the Dacian peasant was invested with the purple, by the unanimous consent of the soldiers who knew him to be brave and gentle, of the clergy and people who believed him to be orthodox, and of the provincials who yielded a blind and implicit submission to the will of the capital. The elder Justin, as he is distinguished from another emperor of the same family and name, ascended the Byzantine throne at the age of sixty-eight years; and, had he been left to his own guidance, every moment of a nine years' reign must have exposed to his subjects the impropriety of their choice. His ignorance was similar to that of Theodoric; and it is remarkable that, in an age not destitute of learning, two contemporary monarchs had never been instructed in the knowledge of the alphabet. But the genius of Justin was far inferior to that of the Gothic king; the experience of a soldier had not qualified him for the government of an empire [4a]; and, though personally brave, the consciousness of his own weakness was naturally attended with doubt, distrust and political apprehension. But the official business of the state

Elevation and reign of his uncle Justin I. A.D. 518, July 10; A.D. 527, April 1 or August 1

βούκολος and συφορβός of Zonaras. Yet why are those names disgraceful?—and what German baron would not be proud to descend from the Eumæus of the Odyssey?

[4a] [Cp. John Lydus, *de Mag.* 3, c. 51, ἀνὴρ δὲ ἦν απράγμων και μηδὲν ἁπλῶς παρὰ τὴν τῶν ὅπλων πεῖραν ἐπιστάμενος.]

s diligently and faithfully transacted by the quæstor Proclus:[5] d the aged emperor adopted the talents and ambition of his phew Justinian, an aspiring youth, whom his uncle had drawn m the rustic solitude of Dacia, and educated at Constantinople, the heir of his private fortune, and at length of the Eastern pire.

Since the eunuch Amantius had been defrauded of his money, became necessary to deprive him of his life. The task was ily accomplished by the charge of a real or fictitious con- racy; and the judges were informed, as an accumulation of ilt, that he was secretly addicted to the Manichæan heresy.[6] nantius lost his head; three of his companions, the first mestics of the palace, were punished either with death or ile; and their unfortunate candidate for the purple was cast o a deep dungeon, overwhelmed with stones, and ignomini- sly thrown, without burial, into the sea. The ruin of Vitalian s a work of more difficulty and danger. That Gothic chief d rendered himself popular by the civil war which he boldly ged against Anastasius for the defence of the orthodox faith, d, after the conclusion of an advantageous treaty, he still re- ined in the neighbourhood of Constantinople at the head of formidable and victorious army of Barbarians. By the frail curity of oaths, he was tempted to relinquish this advantageous uation, and to trust his person within the walls of a city whose nabitants, particularly the *blue* faction, were artfully incensed ainst him by the remembrance even of his pious hostilities. e emperor and his nephew embraced him as the faithful and rthy champion of the church and state; and gratefully adorned eir favourite with the titles of consul and general; but, in the venth month of his consulship, Vitalian was stabbed with venteen wounds at the royal banquet;[7] and Justinian, who nerited the spoil, was accused as the assassin of a spiritual other, to whom he had recently pledged his faith in the parti-

Adoption and succession of Justinian. A.D. 520-527

[5] His virtues are praised by Procopius (Persic. l. i. c. 11). The quæstor Proclus the friend of Justinian, and the enemy of every other adoption.

[6] Manichæan signifies Eutychian. Hear the furious acclamations of Constantinople and Tyre, the former no more than six days after the decease of Anastasius. *ey* produced, the latter applauded, the eunuch's death (Baronius, A.D. 518, P. ii. 15. Fleury, Hist. Ecclés., tom. vii. p. 200, 205, from the Councils, tom. v. 82, 207).

[7] His power, character, and intentions are perfectly explained by the Count de t (tom. ix. p. 54-81). He was great-grandson of Aspar, hereditary prince in the ser Scythia, and count of the Gothic *fœderati* of Thrace. The Bessi, whom he ld influence, are the minor Goths of Jornandes (c. 51). [For the position of inian in Justin's reign see Appendix 9.]

cipation of the Christian mysteries.[8] After the fall of his rivas he was promoted, without any claim of military service, to th office of master-general of the Eastern armies, whom it was h duty to lead into the field against the public enemy. But, in th pursuit of fame, Justinian might have lost his present dominio over the age and weakness of his uncle; and instead of acquir ing by Scythian or Persian trophies the applause of his country men,[9] the prudent warrior solicited their favour in the churche the circus, and the senate, of Constantinople. The Catholic were attached to the nephew of Justin, who, between th Nestorian and Eutychian heresies, trod the narrow path of in flexible and intolerant orthodoxy.[10] In the first days of the nev reign, he prompted and gratified the popular enthusiasm agains the memory of the deceased emperor. After a schism of thirty four years, he reconciled the proud and angry spirit of th Roman pontiff, and spread among the Latins a favourable repor of his pious respect for the apostolic see. The thrones of th East were filled with Catholic bishops devoted to his interest the clergy and the monks were gained by his liberality, and th people were taught to pray for their future sovereign, the hop and pillar of the true religion. The magnificence of Justinia was displayed in the superior pomp of his public spectacles, a object not less sacred and important in the eyes of the multitud than the creed of Nice or Chalcedon; the expense of his consul ship was estimated at two hundred and eighty-eight thousan pieces of gold; twenty lions, and thirty leopards, were produce at the same time in the amphitheatre, and a numerous train c horses, with their rich trappings, was bestowed as an extraordin ary gift on the victorious charioteers of the circus. While h indulged the people of Constantinople, and received the ad dresses of foreign kings, the nephew of Justin assiduously cul

[8] Justiniani patricii factione dicitur interfectus fuisse (Victor Tununensis, Chro in Thesaur. Temp. Scaliger, P. ii. p. 7 [ad ann. 523]). Procopius (Anecdot. c. styles him a tyrant, but acknowledges the ἀδελφοπιστία, which is well explained b Alemannus. [Cp. Evagrius, iv. 3.]

[9] In his earliest youth (plane adolescens) he had passed some time as an hostag with Theodoric. For this curious fact, Alemannus (ad Procop. Anecdot. c. p. 34, of the first edition) quotes a Ms. history of Justinian, by his precept Theophilus. Ludewig (p. 143) wishes to make him a soldier. [Justinian w Master of Soldiers *in praes.* in A.D. 521. See the diptych in CIL, 5, 8120, where his full name and titles appear: F(lavius) Petrus Sabbat(ius) Justinian(u v(ir) i(nlustris) com(es) mag. eqq. et p(editum) præs(entalis) et c(onsul) ord(inariu *Comes* means comes domesticorum.]

[10] The ecclesiastical history of Justinian will be shewn hereafter. See Baroniu A.D. 518-521, and the copious article */justinianus* in the index to the viith volun of his annals.

ated the friendship of the senate. That venerable name med to qualify its members to declare the sense of the nation, l to regulate the succession of the Imperial throne; the feeble astasius had permitted the vigour of government to degener- into the form or substance of an aristocracy; and the military cers who had obtained the senatorial rank were followed their domestic guards, a band of veterans, whose arms or lamations might fix in a tumultuous moment the diadem of East. The treasures of the state were lavished to procure voices of the senators, and their unanimous wish, that he uld be pleased to adopt Justinian for his colleague, was com- nicated to the emperor. But this request, which too clearly nonished him of his approaching end, was unwelcome to the ous temper of an aged monarch, desirous to retain the ver which he was incapable of exercising; and Justin, holding purple with both his hands, advised them to prefer, since an ction was so profitable, some older candidate. Notwithstand- this reproach, the senate proceeded to decorate Justinian h the royal epithet of *nobilissimus;* and their decree was fied by the affection or the fears of his uncle. After some e the languor of mind and body, to which he was reduced an incurable wound in his thigh, indispensably required the of a guardian. He summoned the patriarch and senators; in their presence solemnly placed the diadem on the head is nephew, who was conducted from the palace to the circus, saluted by the loud and joyful applause of the people. The of Justin was prolonged about four months, but from the ant of this ceremony he was considered as dead to the empire, ch acknowledged Justinian, in the forty-fifth year of his age, the lawful sovereign of the East.[11]

From his elevation to his death, Justinian governed the Roman pire thirty-eight years, seven months, and thirteen days. The nts of his reign, which excite our curious attention by their nber, variety, and importance, are diligently related by the etary of Belisarius, a rhetorician whom eloquence had pro- ed to the rank of senator and præfect of Constantinople. [A.D. 562]

The reign of Justinian. A.D. 527, April 1; A.D. 565, Nov. 14

The reign of the elder Justin may be found in the three Chronicles of Marcel- , Victor, and John Malala (tom. ii. p. 130-150), the last of whom (in spite of , Prolegom. No. 14, 39, edit. Oxon.) lived soon after Justinian (Jortin's re- s, &c. vol. iv. p. 383 [cp. App. 1]); in the Ecclesiastical History of Evagrius c. 1, 2, 3, 9), and the Excerpta of Theodorus (Lector. No. 37 [p. 565, ed.), and in Cedrenus (p. 362-366 [i. 636 *sqq.*, ed. Bonn]), and Zonaras (l. . 58-61 [c. 5]), who may pass for an original. [Cp. George Mon., ed. Muralt, 8.]

Character and histories of Procopius

According to the vicissitudes of courage or servitude, of favo or disgrace, Procopius[12] successively composed the *history*, t *panegyric*, and the *satire* of his own times. The eight books the Persian, Vandalic, and Gothic wars,[13] which are continued the five books of Agathias, deserve our esteem as a laborious a successful imitation of the Attic, or at least of the Asiatic, writ of ancient Greece. His facts are collected from the personal e perience and free conversation of a soldier, a statesman, and traveller; his style continually aspires, and often attains, to t merit of strength and elegance; his reflections, more especia in the speeches, which he too frequently inserts, contain a ri fund of political knowledge; and the historian, excited by t generous ambition of pleasing and instructing posterity, appears disdain the prejudices of the people and the flattery of cour The writings of Procopius[14] were read and applauded by contemporaries;[15] but, although he respectfully laid them the foot of the throne, the pride of Justinian must have be wounded by the praise of an hero, who perpetually eclipses t glory of his inactive sovereign. The conscious dignity of ind pendence was subdued by the hopes and fears of a slave; a the secretary of Belisarius laboured for pardon and reward in t

[12] See the characters of Procopius and Agathias in La Mothe le Vayer (to viii. p. 144-174), Vossius (de Historicis Græcis, l. ii. c. 22), and Fabricius (Bibl Græc. l. v. c. 5, tom. vi. p. 248-278). Their religion, an honourable proble betrays occasional conformity, with a secret attachment to Paganism and Ph sophy. [On the life of Procopius, and the chronology of his works, see Appendix

[13] In the seven first books, two Persic, two Vandalic, and three Gothic, P copius has borrowed from Appian the division of provinces and wars: the vi book, though it bears the name of Gothic, is a miscellaneous and general supp ment down to the spring of the year 553, from whence it is continued by Agath till 559 (Pagi, Critica, A.D. 579, No. 5).

[14] The literary fate of Procopius has been somewhat unlucky. 1. His books Bello Gothico were stolen by Leonard Aretin, and published (Fulginii, 1470, Ve 1471, apud Janson. Mattaire, Annal. Typograph. tom. i. edit. posterior, p. 2 304, 279, 299) in his own name (see Vossius de Hist. Lat. l. iii.c. 5, and the fee defence of the Venice Giornale de' Letterati, tom. xix. p. 207). 2. His works w mutilated by the first Latin translators, Christopher Persona (Giornale, tom. p. 340-348) and Raphael de Volaterra (Huet, de Claris. Interpretibus, p. 166), did not even consult the Ms. of the Vatican library, of which they were præf (Aleman. in Præfat. Anecdot.). 3. The Greek text was not printed till 1607, Hoeschelius of Augsburg (Dictionnaire de Bayle, tom. ii. p. 782). 4. The P edition was imperfectly executed by Claude Maltret, a Jesuit of Toulouse (in 16 far distant from the Louvre press and the Vatican Ms. from which, however obtained some supplements. His promised commentaries, &c. have never peared. The Agathias of Leyden (1594) had been wisely reprinted by the P editor, with the Latin version of Bonaventura Vulcanius, a learned interpr (Huet, p. 176).

[15] Agathias in Præfat. p. 7, 8, l. iv. p. 137 [*leg.* 136; c. 26]. Evagrius, l. c. 12. See likewise Photius, cod. lxiii. p. 65.

books of the Imperial *edifices*. He had dexterously chosen a ject of apparent splendour, in which he could loudly celebrate genius, the magnificence, and the piety of a prince who, both conqueror and legislator, had surpassed the puerile virtues Themistocles and Cyrus.[16] Disappointment might urge the terer to secret revenge; and the first glance of favour might in tempt him to suspend and suppress a libel,[17] in which the nan Cyrus is degraded into an odious and contemptible tyrant, vhich both the emperor and his consort Theodora are seriously resented as two dæmons, who had assumed an human form the destruction of mankind.[18] Such base inconsistency must btless sully the reputation, and detract from the credit, of copius; yet, after the venom of his malignity has been ered to exhale, the residue of the *anecdotes*, even the most raceful facts, some of which had been tenderly hinted in his lic history, are established by their internal evidence, or the nentic monuments of the times.[19] From these various ma- als, I shall now proceed to describe the reign of Justinian, ch will deserve and occupy an ample space. The present pter will explain the elevation and character of Theodora, factions of the circus, and the peaceful administration of the reign of the East. In the three succeeding chapters I shall te the wars of Justinian which achieved the conquest of ica and Italy; and I shall follow the victories of Belisarius Narses, without disguising the vanity of their triumphs, or hostile virtue of the Persian and Gothic heroes. The series his and the following volume will embrace the jurisprudence theology of the emperor; the controversies and sects which

Division of the reign of Justinian

Κύρου παιδεία (says he, Præfat. ad l. de Ædificiis, περι κτισμάτων) is no more Κύρου παιδιά—a pun! In these five books, Procopius affects a Christian as as a courtly style. [It is highly probable that the task of writing the Edifices set the historian by the Emperor. Cp. Appendix 1.]

Procopius discloses himself (Præfat. ad Anecdot. c. 1, 2, 5), and the anecdotes eckoned as the ixth book by Suidas (tom. iii. p. 186, edit. Kuster). The ce of Evagrius is a poor objection. Baronius (A.D. 548, No. 24) regrets the of this secret history: it was then in the Vatican library, in his own custody, vas first published sixteen years after his death, with the learned, but partial, of Nicholas Alemannus (Lugd. 1623). [Cp. Appendix 1.]

Justinian an ass—the perfect likeness of Domitian (Anecdot. c. 8)—Theo- s lovers driven from her bed by rival dæmons—her marriage foretold with a dæmon—a monk saw the prince of the dæmons instead of Justinian, on the ne—the servants who watched beheld a face without features, a body walking out an head, &c. &c. Procopius declares his own and his friends' belief in these olical stories (c. 12).

Montesquieu (Considérations sur la Grandeur et la Décadence des Romains, .) gives credit to these anecdotes, as connected, 1, with the weakness of the re, and 2, with the instability of Justinian's laws.

still divide the Oriental church; the reformation of the Roma law, which is obeyed or respected by the nations of moder Europe.

Birth and vices of the empress Theodora

I. In the exercise of supreme power, the first act of Justinia was to divide it with the woman whom he loved, the famou Theodora,[20] whose strange elevation cannot be applauded as th triumph of female virtue. Under the reign of Anastasius, th care of the wild beasts maintained by the green faction of Co stantinople, was entrusted to Acacius, a native of the isle Cyprus, who, from his employment, was surnamed the master the bears. This honourable office was given after his death another candidate, nothwithstanding the diligence of his widow who had already provided a husband and a successor. Acaciu had left three daughters, Comito,[21] THEODORA, and Anastasi the eldest of whom did not then exceed the age of seven year On a solemn festival, these helpless orphans were sent by the distressed and indignant mother, in the garb of suppliants, in the midst of the theatre; the green faction received them wit contempt, the blues with compassion; and this difference, whic sunk deep into the mind of Theodora, was felt long afterward in the administration of the empire. As they improved in ag and beauty, the three sisters were successively devoted to th public and private pleasures of the Byzantine people; an Theodora, after following Comito on the stage, in the dress a slave, with a stool on her head, was at length permitted exercise her independent talents. She neither danced, nor sun nor played on the flute; her skill was confined to the pantomim arts; she excelled in buffoon characters, and, as often as th comedian swelled her cheeks, and complained with a ridiculo tone and gesture of the blows that were inflicted, the whol theatre of Constantinople resounded with laughter and applaus The beauty of Theodora[22] was the subject of more flatteri praise, and the source of more exquisite delight. Her featur were delicate and regular; her complexion, though somewh

[20] For the life and manners of the empress Theodora, see the Anecdotes; m especially c. 1-5, 9, 10-15, 16, 17, with the learned notes of Alemannus—a refere which is always implied. [Cp. Appendix 1.]

[21] Comito was afterwards married to Sittas duke of Armenia, the father perha at least she might be the mother, of the empress Sophia. Two nephews of Th dora may be the sons of Anastasia (Aleman. p. 30, 31).

[22] Her statue was raised at Constantinople, on a porphyry column. See P copius (de Ædif. l. i. c. 11), who gives her portrait in the Anecdotes (c. 10). Alem (p. 47) produces one from a Mosaic at Ravenna [in the apse of the church San Vitale], loaded with pearls and jewels, and yet handsome.

le, was tinged with a natural colour; every sensation was stantly expressed by the vivacity of her eyes; her easy otions displayed the graces of a small but elegant figure; and en love or adulation might proclaim that painting and poetry ere incapable of delineating the matchless excellence of her rm. But this form was degraded by the facility with which was exposed to the public eye and prostituted to licentious sire. Her venal charms were abandoned to a promiscuous owd of citizens and strangers, of every rank, and of every ofession; the fortunate lover who had been promised a night of joyment was often driven from her bed by a stronger or more ealthy favourite; and, when she passed through the streets, r presence was avoided by all who wished to escape either e scandal or the temptation. The satirical historian has not ushed[23] to describe the naked scenes which Theodora was not named to exhibit in the theatre.[24] After exhausting the arts sensual pleasure,[25] she most ungratefully murmured against e parsimony of Nature;[26] but her murmurs, her pleasures, d her arts must be veiled in the obscurity of a learned lan-age. After reigning for some time, the delight and contempt the capital, she condescended to accompany Ecebolus, a tive of Tyre, who had obtained the government of the rican Pentapolis. But this union was frail and transient; ebolus soon rejected an expensive or faithless concubine; e was reduced at Alexandria to extreme distress; and, in r laborious return to Constantinople, every city of the st admired and enjoyed the fair Cyprian, whose merit ap-

[23] A fragment of the Anecdotes (c. 9), somewhat too naked, was suppressed by mannus, though extant in the Vatican Ms.; nor has the defect been supplied in Paris or Venice editions. La Mothe le Vayer (tom. viii. p. 155) gave the first of this curious and genuine passage (Jortin's Remarks, vol. iv. p. 366), which had received from Rome, and it has been since published in the Menagiana n. iii. p. 254-259), with a Latin version.

[24] After the mention of a narrow girdle (as none could appear stark-naked in the atre), Procopius thus proceeds: ἀναπεπτωκυῖά τε ἐν τῷ ἐδάφει ὑπτία ἔκειτο. Θῆτες νες . . . κριθὰς αὐτῇ ὕπερθεν τῶν αἰδοίων ἔρριπτον ἃς δὴ οἱ χῆνες, οἳ ες τοῦτο παρεσσμένοι ἐτύγχανον, τοῖς στόμασιν ἐνθένδε κατὰ μίαν ἀνελόμενοι ἤσθιον. I have heard that arned prelate, now deceased, was fond of quoting this passage in conversation.

[25] Theodora surpassed the Crispa of Ausonius (Epigram lxxi.), who imitated the italis luxus of the females of Nola. See Quintilian, Institut. viii. 6, and rentius ad Horat. Sermon. l. i. sat. 2, v. 101. At a supper, thirty es waited round the table; ten young men feasted with Theodora. Her rity was *universal*.

Et lassata viris, necdum satiata, recessit.

[26] Ἡ δὲ κάκ τριῶν τρυπημάτων ἐργαζομένη ἐνεκάλει τῇ φύσει δυσφορουμένη ὅτι δὴ μὴ τιθοὺς αὐτῇ εὐρύτερον ἢ νῦν εἰσι τρυπῶν, ὅπως δυνατὴ εἴη καὶ ἐκείνῃ ἐργάζεσθαι. She ned for a *fourth* altar, on which she might pour libations to the god of love.

peared to justify her descent from the peculiar island of Venu
The vague commerce of Theodora, and the most detestab
precautions, preserved her from the danger which she feared
yet once, and once only, she became a mother. The infant wa
saved and educated in Arabia, by his father, who imparted t
him on his death-bed that he was the son of an empress. Fille
with ambitious hopes, the unsuspecting youth immediate
hastened to the palace of Constantinople, and was admitted to th
presence of his mother. As he was never more seen, even aft
the decease of Theodora, she deserves the foul imputation of e
tinguishing with his life a secret so offensive to her Imperial virtu

Her marriage with Justinian

In the most abject state of her fortune and reputation, som
vision, either of sleep or of fancy, had whispered to Theodo
the pleasing assurance that she was destined to become th
spouse of a potent monarch. Conscious of her approachin
greatness, she returned from Paphlagonia to Constantinople
assumed, like a skilful actress, a more decent character; re
lieved her poverty by the laudable industry of spinning woo
and affected a life of chastity and solitude in a small hous
which she afterwards changed into a magnificent temple.
Her beauty, assisted by art or accident, soon attracted, capt
vated, and fixed the patrician Justinian, who already reigne
with absolute sway under the name of his uncle. Perhaps sh
contrived to enhance the value of a gift which she had so ofte
lavished on the meanest of mankind; perhaps she inflamed,
first by modest delays, and at last by sensual allurements, th
desires of a lover, who from nature or devotion was addicted
long vigils and abstemious diet. When his first transports ha
subsided, she still maintained the same ascendant over his min
by the more solid merit of temper and understanding. Justinia
delighted to ennoble and enrich the object of his affection; th
treasures of the East were poured at her feet; and the nephe
of Justin was determined, perhaps by religious scruples,
bestow on his concubine the sacred and legal character of
wife. But the laws of Rome expressly prohibited the marriag
of a senator with any female who had been dishonoured by
servile origin or theatrical profession; the empress Lupicina,
Euphemia, a Barbarian of rustic manners but of irreproachab
virtue, refused to accept a prostitute for her niece; and eve

[27] Anonym. de Antiquitat. C. P. l. iii. 132 in Banduri Imperium Orient. tom.
p. 48. Ludewig (p. 154) argues sensibly that Theodora would not have immort
ised a brothel; but I apply this fact to her second and chaster residence
Constantinople.

igilantia, the superstitious mother of Justinian, though she acnowledged the wit and beauty of Theodora, was seriously pprehensive lest the levity and arrogance of that artful paramour ight corrupt the piety and happiness of her son. These pstacles were removed by the inflexible constancy of Justinian. le patiently expected the death of the empress; he despised ie tears of his mother, who soon sunk under the weight of her fliction; and a law was promulgated in the name of the mperor Justin, which abolished the rigid jurisprudence of ntiquity. A glorious repentance (the words of the edict) was ft open for the unhappy females who had prostituted their ersons on the theatre, and they were permitted to contract a gal union with the most illustrious of the Romans.[28] This dulgence was speedily followed by the solemn nuptials of ustinian and Theodora; her dignity was gradually exalted ith that of her lover; and, as soon as Justin had invested his ephew with the purple, the patriarch of Constantinople placed ie diadem on the heads of the emperor and empress of the ast. But the usual honours which the severity of Roman manners ad allowed to the wives of princes could not satisfy either the mbition of Theodora or the fondness of Justinian. He seated er on the throne as an equal and independent colleague in the vereignty of the empire, and an oath of allegiance was imposed n the governors of the provinces in the joint names of Justinian nd Theodora.[29] The Eastern world fell prostrate before the enius and fortune of the daughter of Acacius. The prostitute, ho, in the presence of innumerable spectators, had polluted the eatre of Constantinople, was adored as a queen in the same ty, by grave magistrates, orthodox bishops, victorious generals, nd captive monarchs.[30]

[28] See the old law in Justinian's code (l. v. tit. v. leg. 7, tit. xxvii. leg. 1) under e years 336 and 454. The new edict (about the year 521 or 522. Aleman. p. 96) very awkwardly repeals no more than the clause of mulieres *scenicae*, ertinæ, tabernariæ. See the novels 89 and 117 [111 and 141, ed. Zachar.; dated D. 539 and 542], and a Greek rescript from Justinian to the bishops (Aleman. 41). [Note (1) that the only authority for the objections of Justinian's mother his marriage is the *Life* of Theophilus; and (2) that the law of c. 522 A.D. (Cod. st. v. 4, 23) had no connexion with Theodora, notwithstanding the statement of ocopius, Anecd. c. 9.]

[29] I swear by the Father, &c., by the Virgin Mary, by the Four Gospels, quæ manibus teneo, and by the holy Archangels Michael and Gabriel, puram contentiam germanumque servitium me servaturum, sacratissimis DDNN. Justiniano Theodoræ conjugi ejus (Novell. viii. tit. 3 [xvi. p. 123, ed. Zach.]). Would the th have been binding in favour of the widow? Communes tituli et triumphi, &c. leman. p. 47, 48).

[30] "Let greatness own her, and she's mean no more," &c. Without Warton's critical telescope, I should never have seen, in the general picture of umphant vice, any personal allusion to Theodora.

Her tyranny

Those who believe that the female mind is totally depraved by the loss of chastity will eagerly listen to all the invectives of private envy or popular resentment, which have dissembled the virtues of Theodora, exaggerated her vices, and condemned with rigour the venal or voluntary sins of the youthful harlot. From a motive of shame or contempt, she often declined the servile homage of the multitude, escaped from the odious light of the capital, and passed the greatest part of the year in the palaces and gardens which were pleasantly seated on the sea-coast of the Propontis and the Bosphorus. Her private hours were devoted to the prudent as well as grateful care of her beauty, the luxury of the bath and table, and the long slumber of the evening and the morning. Her secret apartments were occupied by the favourite women and eunuchs, whose interests and passions she indulged at the expense of justice; the most illustrious personages of the state were crowded into a dark and sultry antichamber, and when at last, after tedious attendance, they were admitted to kiss the feet of Theodora, they experienced, as her humour might suggest, the silent arrogance of an empress or the capricious levity of a comedian. Her rapacious avarice to accumulate an immense treasure may be excused by the apprehension of her husband's death, which could leave no alternative between ruin and the throne; and fear as well as ambition might exasperate Theodora against two generals, who, during a malady of the emperor, had rashly declared that they were not disposed to acquiesce in the choice of the capital. But the reproach of cruelty, so repugnant even to her softer vices, has left an indelible stain on the memory of Theodora. Her numerous spies observed, and zealously reported, every action, or word, or look, injurious to their royal mistress. Whomsoever they accused were cast into her peculiar prisons,[31] inaccessible to the inquiries of justice; and it was rumoured that the torture of the rack or scourge had been inflicted in the presence of a female tyrant, insensible to the voice of prayer or of pity.[32] Some of these unhappy victims perished in deep unwholesome dungeons, while others were permitted after the loss of their limbs, their reason, or their fortune, to

[31] Her prisons, a labyrinth, a Tartarus (Anecdot. c. 4), were under the palace. Darkness is propitious to cruelty, but it is likewise favourable to calumny and fiction. [John of Ephesus mentions that Theodora kept condemned heretics safely hidden for years in her palace.]

[32] A more jocular whipping was inflicted on Saturninus, for presuming to say that his wife, a favourite of the empress, had not been found ἄτρητος (Anecdot. c. 17).

appear in the world the living monuments of her vengeance, which was commonly extended to the children of those whom she had suspected or injured. The senator, or bishop, whose death or exile Theodora had pronounced, was delivered to a trusty messenger, and his diligence was quickened by a menace from her own mouth. "If you fail in the execution of my commands, I swear by him who liveth for ever, that your skin shall be flayed from your body." [33]

Her virtues

If the creed of Theodora had not been tainted with heresy, her exemplary devotion might have atoned, in the opinion of her contemporaries, for pride, avarice, and cruelty. But, if she employed her influence to assuage the intolerant fury of the emperor, the present age will allow some merit to her religion, and much indulgence to her speculative errors.[34] The name of Theodora was introduced, with equal honour, in all the pious and charitable foundations of Justinian; and the most benevolent institution of his reign may be ascribed to the sympathy of the empress for her less fortunate sisters, who had been seduced or compelled to embrace the trade of prostitution. A palace, on the Asiatic side of the Bosphorus, was converted into a stately and spacious monastery, and a liberal maintenance was assigned to five hundred women, who had been collected from the streets and brothels of Constantinople. In this safe and holy retreat, they were devoted to perpetual confinement; and the despair of some, who threw themselves headlong into the sea, was lost in the gratitude of the penitents, who had been delivered from sin and misery by their generous benefactress.[35] The prudence of Theodora is celebrated by Justinian himself; and his laws are attributed to the sage counsels of his most reverend wife, whom he had received as the gift of the Deity.[36] Her courage was displayed amidst the tumult of the people and the terrors of the court. Her chastity, from the moment of her union with Justinian, is founded on the silence of her implacable enemies; and, although the daughter of Acacius might be

[33] Per viventem in sæcula excoriari te faciam. Anastasius de Vitis Pont. Roman. in Vigilio, p. 40.

[34] Ludewig, p. 161-166. I give him credit for the charitable attempt, although he hath not much charity in his temper.

[35] Compare the Anecdotes (c. 17) with the Edifices (l. i. c. 9)—how differently may the same fact be stated! John Malala (tom. ii. p. 174, 175 [441, ed. Bonn]) observes that on this or a similar occasion she released and clothed the girls whom she had purchased from the stews at five aurei a-piece.

[36] Novel. viii. [xvi., ed. Zach.] 1. An allusion to Theodora. Her enemies read the name Dæmonodora (Aleman. p. 66). [*Daemonodora* (or rather, *Vraghidara*) comes only from the *Vita* of Theophilus.]

satiated with love, yet some applause is due to the firmness of a mind which could sacrifice pleasure and habit to the stronger sense either of duty or interest. The wishes and prayers of Theodora could never obtain the blessing of a lawful son, and she buried an infant daughter, the sole offspring of her marriage.[37] Notwithstanding this disappointment, her dominion was permanent and absolute; she preserved, by art or merit, the affections of Justinian; and their seeming dissensions were always fatal to the courtiers who believed them to be sincere. Perhaps her health had been impaired by the licentiousness of her youth; but it was always delicate, and she was directed by her physicians to use the Pythian warm baths. In this journey, the empress was followed by the prætorian præfect, the great treasurer, several counts and patricians, and a splendid train of four thousand attendants; the highways were repaired at her approach; a palace was erected for her reception; and, as she passed through Bithynia, she distributed liberal alms to the churches, the monasteries, and the hospitals, that they might implore heaven for the restoration of her health.[38] At length, in the twenty-fourth year of her marriage, and the twenty-second of her reign, she was consumed by a cancer;[39] and the irreparable loss was deplored by her husband, who, in the room of a theatrical prostitute, might have selected the purest and most noble virgin of the East.[40]

The death of Theodora. A.D. 548, June 11

II. A material difference may be observed in the games of antiquity: the most eminent of the Greeks were actors, the Romans were merely spectators. The Olympic stadium was open to wealth, merit, and ambition; and, if the candidates could depend on their personal skill and activity, they might pursue the footsteps of Diomede and Menelaus, and conduct

The factions of the circus

[37] St. Sabas refused to pray for a son of Theodora, lest he should prove an heretic worse than Anastasius himself (Cyril in Vit. St. Sabæ, apud Aleman. p. 70, 109).

[38] See John Malala, tom. ii. p. 174 [441]. Theophanes, p. 158. Procopius, de Aedific. l. v. c. 3.

[39] Theodora Chalcedonensis synodi inimica canceris plagâ toto corpore [*leg.* corpore toto] perfusa vitam prodigiose finivit (Victor. Tununensis in Chron. [ad. A.D. 549]). On such occasions, an orthodox mind is steeled against pity. Alemannus (p. 12, 13) understands the εὐσεβῶς ἐκοιμήθη of Theophanes as civil language, which does not imply either piety or repentance; yet two years after her death St. Theodora is celebrated by Paul Silentiarius (in Proem. v. 58-62).

[40] As she persecuted the popes, and rejected a council, Baronius exhausts the names of Eve, Dalila, Herodias, &c.; after which he has recourse to his infernal dictionary: civis inferni—alumna dæmonum—satanico agitata spiritu—oestro percita diabolico, &c. &c. (A.D. 548, No. 24).

their own horses in the rapid career.[41] Ten, twenty, forty, chariots were allowed to start at the same instant; a crown of leaves was the reward of the victor; and his fame, with that of his family and country, was chaunted in lyric strains more durable than monuments of brass and marble. But a senator, or even a citizen, conscious of his dignity, would have blushed to expose his person or his horses in the circus of Rome. The games were exhibited at the expense of the republic, the magistrates, or the emperors: but the reins were abandoned to servile hands; and, if the profits of a favourite charioteer sometimes exceeded those of an advocate, they must be considered as the effects of popular extravagance, and the high wages of a disgraceful profession. The race, in its first institution, was a simple contest of two chariots, whose drivers were distinguished by *white* and *red* liveries; two additional colours, a light *green* and a cærulean *blue*, were afterwards introduced; and, as the races were repeated twenty-five times, one hundred chariots contributed in the same day to the pomp of the circus. The four *factions* soon acquired a legal establishment, and a mysterious origin; and their fanciful colours were derived from the various appearances of nature in the four seasons of the year: the red dog-star of summer, the snows of winter, the deep shades of autumn, and the cheerful verdure of the spring.[42] Another interpretation preferred the elements to the seasons, and the struggle of the green and blue was supposed to represent the conflict of the earth and sea. Their respective victories announced either a plentiful harvest or a prosperous navigation, and the hostility of the husbandmen and mariners was somewhat less absurd than the blind ardour of the Roman people, who devoted their lives and fortunes to the colour which they had espoused. Such folly was disdained and indulged by the wisest princes; but the names of Caligula, Nero, Vitellius, Verus, Commodus, Caracalla, and Elagabalus, were enrolled in the blue or green

[41] Read and feel the xxiiid book of the Iliad, a living picture of manners, passions, and the whole form and spirit of the chariot race. West's Dissertation on the Olympic Games (sect. xii.-xvii.) affords much curious and authentic information.

[42] The four colours, *albati*, *russati*, *prasini*, *veneti*, represent the four seasons, according to Cassiodorius (Var. iii. 51), who lavishes much wit and eloquence on this theatrical mystery. Of these colours, the three first may be fairly translated *white*, *red*, and *green*. *Venetus* is explained by *caeruleus*, a word various and vague: it is properly the sky reflected in the sea; but custom and convenience may allow *blue* as an equivalent (Robert. Stephan. sub voce. Spence's Polymetis, p. 228).

t Rome

factions of the circus; they frequented their stables, applauded their favourites, chastised their antagonists, and deserved the esteem of the populace by the natural or affected imitation of their manners. The bloody and tumultuous contest continued to disturb the public festivitv till the last age of the spectacles of Rome; and Theodoric, from a motive of justice or affection, interposed his authority to protect the greens against the violence of a consul and a patrician, who were passionately addicted to the blue faction of the circus.[43]

hey distract onstanti- ople and he East

Constantinople adopted the follies, though not the virtues, of ancient Rome; and the same factions which had agitated the circus raged with redoubled fury in the hippodrome. Under the reign of Anastasius, this popular frenzy was inflamed by religious zeal; and the greens, who had treacherously concealed stones and daggers under baskets of fruit, massacred, at a solemn festival, three thousand of their blue adversaries.[44] From the capital, this pestilence was diffused into the provinces and cities of the East, and the sportive distinction of two colours produced two strong and irreconcileable factions, which shook the foundations of a feeble government.[45] The popular dissensions, founded on the most serious interest, or holy pretence, have scarcely equalled the obstinacy of this wanton discord, which invaded the peace of families, divided friends and brothers, and tempted the female sex, though seldom seen in the circus, to espouse the inclinations of their lovers or to contradict the wishes of their husbands. Every law, either human or divine, was trampled under foot, and, as long as the party was successful, its deluded followers appeared careless of private distress or public calamity. The licence, without the freedom, of democracy was revived at Antioch and Constantinople, and the support of a faction became necessary to every candidate for civil or ecclesiastical honours. A secret attachment to the family or sect of Anastasius was imputed to the greens; the blues were zealously devoted to

Justinian favours the blues

[43] See Onuphrius Panvinius de Ludis Circensibus, l. i. c. 10, 11; the xviith Annotation on Mascou's History of the Germans; and Aleman. ad c. vii. [See Appendix 10.]

[44] Marcellin. in Chron. p. 47 [A.D. 501]. Instead of the vulgar word *veneta*, he uses the more exquisite terms of *caerulea* and *cerealis*. Baronius (A.D. 501, No. 4, 5, 6) is satisfied that the blues were orthodox; but Tillemont is angry at the supposition, and will not allow any martyrs in a playhouse (Hist. des Emp. tom. vi. p. 554).

[45] See Procopius, Persic. l. i. c. 24. In describing the vices of the factions and of the government, the *public*, is not more favourable than the *secret*, historian. Aleman. (p. 26) has quoted a fine passage from Gregory Nazianzen, which proves the inveteracy of the evil.

the cause of orthodoxy and Justinian,[46] and their grateful patron protected, above five years, the disorders of a faction, whose seasonable tumults overawed the palace, the senate, and the capitals of the East. Insolent with royal favour, the blues affected to strike terror by a peculiar and Barbaric dress, the long hair of the Huns, their close sleeves and ample garments, a lofty step, and a sonorous voice. In the day they concealed their two-edged poniards, but in the night they boldly assembled in arms and in numerous bands, prepared for every act of violence and rapine. Their adversaries of the green faction, or even inoffensive citizens, were stripped and often murdered by these nocturnal robbers, and it became dangerous to wear any gold buttons or girdles, or to appear at a late hour in the streets of a peaceful capital. A daring spirit, rising with impunity, proceeded to violate the safeguard of private houses; and fire was employed to facilitate the attack, or to conceal the crimes, of these factious rioters. No place was safe or sacred from their depredations; to gratify either avarice or revenge, they profusely spilt the blood of the innocent; churches and altars were polluted by atrocious murders; and it was the boast of the assassins that their dexterity could always inflict a mortal wound with a single stroke of their dagger. The dissolute youth of Constantinople adopted the blue livery of disorder; the laws were silent, and the bonds of society were relaxed; creditors were compelled to resign their obligations; judges to reverse their sentence; masters to enfranchise their slaves; fathers to supply the extravagance of their children; noble matrons were prostituted to the lust of their servants; beautiful boys were torn from the arms of their parents; and wives, unless they preferred a voluntary death, were ravished in the presence of their husbands.[47] The despair of the greens, who were persecuted by their enemies, and deserted by the magistrate, assumed the privilege of defence, perhaps of retaliation; but those who survived the combat were dragged to execution, and the unhappy fugitives, escaping to woods and caverns, preyed without mercy on the society from whence they were expelled. Those ministers of justice who had courage to

[46] The partiality of Justinian for the blues (Anecdot. c. 7) is attested by Evagrius Hist. Eccles. l. iv. c. 32); John Malala (tom. ii. p. 138, 139 [p. 416, ed. Bonn]), especially for Antioch; and Theophanes (p. 142).

[47] A wife (says Procopius), who was seized and almost ravished by a blue-coat, threw herself into the Bosphorus. The bishops of the second Syria (Aleman. p. 26) deplore a similar suicide, the guilt or glory of female chastity, and name the heroine.

punish the crimes, and to brave the resentment, of the blues became the victims of their indiscreet zeal; a præfect of Constantinople fled for refuge to the holy sepulchre, a count of the East was ignominiously whipped, and a governor of Cilicia was hanged, by the order of Theodora, on the tomb of two assassins, whom he had condemned for the murder of his groom and a daring attack upon his own life.[48] An aspiring candidate may be tempted to build his greatness on the public confusion, but it is the interest as well as the duty of a sovereign to maintain the authority of the laws. The first edict of Justinian, which was often repeated and sometimes executed, announced his firm resolution to support the innocent and to chastise the guilty of every denomination and *colour*. Yet the balance of justice was still inclined in favour of the blue faction, by the secret affection, the habits, and the fears of the emperor; his equity, after an apparent struggle, submitted, without reluctance, to the implacable passions of Theodora, and the empress never forgot, or forgave, the injuries of the comedian. At the accession of the younger Justin, the proclamation of equal and rigorous justice indirectly condemned the partiality of the former reign. "Ye blues, Justinian is no more! ye greens, he is still alive!" [49]

Sedition of Constantinople, surnamed Nika, A.D. 532, January [Jan. 13]

A sedition, which almost laid Constantinople in ashes, was excited by the mutual hatred and momentary reconciliation of the two factions. In the fifth year of his reign, Justinian celebrated the festival of the ides of January: the games were incessantly disturbed by the clamorous discontent of the greens; till the twenty-second race, the emperor maintained his silent gravity; at length, yielding to his impatience, he condescended to hold, in abrupt sentences, and by the voice of a cryer, the most singular dialogue [50] that ever passed between a prince and his subjects. Their first complaints were respectful and modest; they accused the subordinate ministers of oppression, and proclaimed their wishes for the long life and victory of the emperor.

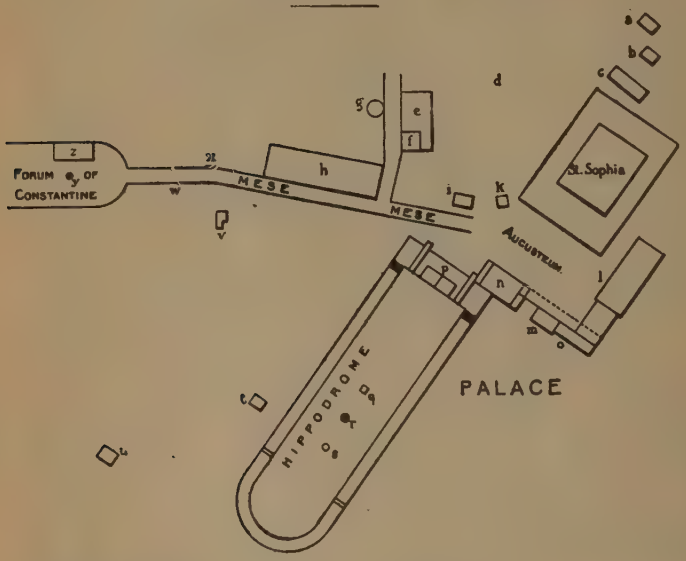
[48] The doubtful credit of Procopius (Anecdot. c. 17) is supported by the less partial Evagrius, who confirms the fact and specifies the names. The tragic fate of the præfect of Constantinople is related by John Malala (tom. ii. p. 139 [p. 416]).

[49] See John Malala (tom. ii. p. 147 [p. 422]); yet he owns that Justinian was attached to the blues. The seeming discord of the emperor and Theodora is perhaps viewed with too much jealousy and refinement by Procopius (Anecdot. c. 10). See Aleman. Præfat. p. 6.

[50] This dialogue, which Theophanes has preserved, exhibits the popular language, as well as the manners, of Constantinople in the vith century. Their Greek is mingled with many strange and barbarous words, for which Ducange cannot always find a meaning or etymology.

PART OF CONSTANTINOPLE

TO ILLUSTRATE THE NIKA RIOT



a. XENÔN OF EUBULUS
b. CHURCH OF ST. IKENE
c. XENÔN OF SAMPSON
d. QUARTER OF CHALKOPRATEIA
e. BASILICA
f. CISTERN OF ILLUS (IERÈ BATAN SERAÏ)
g. OCTAGON (CONJECTURAL SITE)
h. PALACE OF LAUSUS (CONJECTURAL)
i. CHURCH OF ST. JOHN (CONJECTURAL)
k. MILION
l. SENATE HOUSE OF THE AUGUSTEUM
m. CHALKE (ENTRANCE AND FOREBUILDINGS OF THE PALACE)
n. ZEUXIPPUS BATHS
o. GUARDHOUSES
p. KATHISMA
q. OBELISK
r. SERPENT-PILLAR
s. COLUMN
t. CHURCH OF ST. EUPHEMIA
u. CHURCH OF ST. ANASTASIA
v. CISTERN (BIN BIR DIREK, OR A THOUSAND AND ONE COLUMNS)
w. PRAETORIUM (CONJECTURAL SITE)
x. QUARTER OF ARGYROPRATEIA, SILVERSMITHS (CONJECTURAL)
y. COLUMN OF CONSTANTINE (KNOWN AS THE BURNT COLUMN)
z. SENATE HOUSE OF THE FORUM

"Be patient and attentive, ye insolent railers!" exclaimed Justinian; "be mute, ye Jews, Samaritans, and Manichæans!" The greens still attempted to awaken his compassion. "We are poor, we are innocent, we are injured, we dare not pass through the streets: a general persecution is exercised against our name and colour. Let us die, O emperor! but let us die by your command, and for your service!" But the repetition of partial and passionate invectives degraded, in their eyes, the majesty of the purple; they renounced allegiance to the prince who refused justice to his people; lamented that the father of Justinian had been born; and branded his son with the opprobrious names of an homicide, an ass,[51] and a perjured tyrant. "Do you despise your lives?" cried the indignant monarch: the blues rose with fury from their seats; their hostile clamours thundered in the hippodrome; and their adversaries, deserting the unequal contest, spread terror and despair through the streets of Constantinople. At this dangerous moment, seven notorious assassins of both factions, who had been condemned by the præfect, were carried round the city, and afterwards transported to the place of execution in the suburb of Pera. Four were immediately beheaded; a fifth was hanged; but when the same punishment was inflicted on the remaining two, the rope broke, they fell alive to the ground, the populace applauded their escape, and the monks of St. Conon, issuing from the neighbouring convent, conveyed them in a boat to the sanctuary of the church.[52] As one of these criminals was of the blue, and the other of the green, livery, the two factions were equally provoked by the cruelty of their oppressor, or the ingratitude of their patron; and a short truce was concluded, till they had delivered their prisoners and satisfied their revenge. The palace of the præfect, who withstood the seditious torrent, was instantly burnt, his officers and guards were massacred, the prisons were forced open, and freedom was restored to those who could only use it for the public destruction. A military force, which had been dispatched to the aid of the civil magistrate, was fiercely encountered by an armed multitude, whose numbers and boldness continually increased; and the Heruli, the wildest

[51] [σγανδαρι (Chron. Pasch. p. 624, i.), a mysterious word, for which Ducange proposed γάδαρε (ass!) and A. Schmidt still more improbably conjectured a corruption of Latin *garrule* (nonsense!).]

[52] See this church and monastery in Ducange, C. P. Christiana, l. iv. p. 182. [The monks took them, not to the church of St. Conon, but to that of St. Laurentius, which had the privilege of asylum.]

Barbarians in the service of the empire, overturned the priests and their relics, which, from a pious motive, had been rashly interposed to separate the bloody conflict. The tumult was exasperated by this sacrilege, the people fought with enthusiasm in the cause of God; the women, from the roofs and windows, showered stones on the heads of the soldiers, who darted firebrands against the houses; and the various flames, which had been kindled by the hands of citizens and strangers, spread without control over the face of the city. The conflagration involved the cathedral of St. Sophia, the baths of Zeuxippus, a part of the palace, from the first entrance to the altar of Mars, and the long portico from the palace to the forum of Constantine; a large hospital, with the sick patients, was consumed; many churches and stately edifices were destroyed, and an immense treasure of gold and silver was either melted or lost. From such scenes of horror and distress, the wise and wealthy citizens escaped over the Bosphorus to the Asiatic side; and during five days Constantinople was abandoned to the factions, whose watch-word, NIKA, *vanquish!* has given a name to this memorable sedition.[53]

The distress of Justinian

As long as the factions were divided, the triumphant blues and desponding greens appeared to behold with the same indifference the disorders of the state. They agreed to censure the corrupt management of justice and the finance; and the two responsible ministers, the artful Tribonian and the rapacious John of Cappadocia, were loudly arraigned as the authors of the public misery. The peaceful murmurs of the people would have been disregarded: they were heard with respect when the city was in flames; the quæstor and the præfect were instantly removed, and their offices were filled by two senators of blameless integrity. After this popular concession, Justinian proceeded to the hippodrome to confess his own errors and to accept the repentance of his grateful subjects; but they distrusted his assurances, though solemnly pronounced in the presence of the holy gospels; and the emperor, alarmed by their distrust, retreated with precipitation to the strong fortress of the palace. The obstinacy of the tumult was now imputed to a secret and ambitious conspiracy, and a suspicion was entertained that the insurgents, more especially the green faction, had been supplied

[Sunday, Jan. 18]

[53] The history of the *Nika* sedition is extracted from Marcellinus (in Chron.), Procopius (Persic. l. i. c. 26), John Malala, (tom. ii. p. 213-218 [p. 473 *sqq.*, ed. Bonn]), Chron. Paschal. (p. 336-340 [p. 620 *sqq.*, ed. Bonn]), Theophanes (Chronograph. p. 154-158 [181-6, ed. de Boor]), and Zonaras (l. xiv. p. 61-63 [c. 6]). [See Appendix 11.]

with arms and money by Hypatius and Pompey, two patricians, who could neither forget with honour, nor remember with safety, that they were the nephews of the emperor Anastasius. Capriciously trusted, disgraced, and pardoned, by the jealous levity of the monarch, they had appeared as loyal servants before the throne; and, during five days of the tumult, they were detained as important hostages; till at length, the fears of Justinian prevailing over his prudence, he viewed the two brothers in the light of spies, perhaps of assassins, and sternly commanded them to depart from the palace. After a fruitless representation that obedience might lead to involuntary treason, they retired to their houses, and in the morning of the sixth day Hypatius was surrounded and seized by the people, who, regardless of his virtuous resistance and the tears of his wife, transported their favourite to the forum of Constantine, and, instead of a diadem, placed a rich collar on his head. If the usurper, who afterwards pleaded the merit of his delay, had complied with the advice of his senate, and urged the fury of the multitude, their first irresistible effort might have oppressed or expelled his trembling competitor. The Byzantine palace enjoyed a free communication with the sea; vessels lay ready at the garden-stairs; and a secret resolution was already formed to convey the emperor with his family and treasures to a safe retreat, at some distance from the capital.

Firmness of Theodora

Justinian was lost, if the prostitute whom he raised from the theatre had not renounced the timidity, as well as the virtues, of her sex. In the midst of a council, where Belisarius was present, Theodora alone displayed the spirit of an hero; and she alone, without apprehending his future hatred, could save the emperor from the imminent danger and his unworthy fears. "If flight," said the consort of Justinian, "were the only means of safety, yet I should disdain to fly. Death is the condition of our birth; but they who have reigned should never survive the loss of dignity and dominion. I implore heaven that I may never be seen, not a day, without my diadem and purple; that I may no longer behold the light, when I cease to be saluted with the name of queen. If you resolve, O Cæsar! to fly, you have treasures; behold the sea, you have ships; but tremble lest the desire of life should expose you to wretched exile and ignominious death. For my own part, I adhere to the maxim of antiquity, that the throne is a glorious sepulchre." The firmness of a woman restored the courage to deliberate and act, and courage soon discovers the resources of the most desperate situation. It

was an easy and a decisive measure to revive the animosity of th factions; the blue were astonished at their own guilt and folly that a trifling injury should provoke them to conspire with thei implacable enemies against a gracious and liberable benefactor they again proclaimed the majesty of Justinian, and the greens with their upstart emperor, were left alone in the hippodrome

The sedition is suppressed

The fidelity of the guards was doubtful; but the military forc of Justinian consisted in three thousand veterans, who had bee trained to valour and discipline in the Persian and Illyrian wars Under the command of Belisarius and Mundus, they silentl marched in two divisions from the palace, forced their obscur way through narrow passages, expiring flames, and falling edifices and burst open at the same moment the two opposite gates o the hippodrome. In this narrow space, the disorderly an affrighted crowd was incapable of resisting on either side a firm and regular attack; the blues signalized the fury of their repent ance; and it is computed that above thirty thousand persons wer slain in the merciless and promiscuous carnage of the day. Hy patius was dragged from his throne, and conducted with hi brother Pompey to the feet of the emperor; they implored hi clemency; but their crime was manifest, their innocence uncertain and Justinian had been too much terrified to forgive. The nex morning the two nephews of Anastasius, with eighteen *illustrious* accomplices of patrician or consular rank, were privately executed by the soldiers; their bodies were thrown into the sea, thei palaces razed, and their fortunes confiscated. The hippodrom itself was condemned during several years to a mournful silence with the restoration of the games, the same disorders revived and the blue and green factions continued to afflict the reign o Justinian, and to disturb the tranquillity of the Eastern empire.

Agriculture and manufactures of the Eastern empire

III. That empire, after Rome was barbarous, still embrace the nations whom she had conquered beyond the Hadriatic an as far as the frontiers of Ethiopia and Persia. Justinian reigne over sixty-four provinces and nine hundred and thirty-fiv cities;[55] his dominions were blessed by nature with the advan

[54] Marcellinus says in general terms, innumeris populis in circo trucidatis. Pr copius numbers 30,000 victims [so Marius of Aventicum (ad ann.) who w probably drawing from Consularia Italica]; and the 35,000 of Theophanes a swelled to 40,000 by the more recent Zonaras. Such is the usual progress of exa geration. [This remark is blunted by the fact that John Lydus, a contemporar gives a still higher number, 50,000. De Mag. p. 266.]

[55] Hierocles, a contemporary of Justinian, composed his Συνέκδημος (Itinerari p. 631), or review of the eastern provinces and cities, before the year 535 (Wesselin in Præfat. and Not. ad p. 623, &c.). [Best edition by A. Burckhardt, 1893.]

ages of soil, situation, and climate; and the improvements of uman art had been perpetually diffused along the coast of the Iediterranean and the banks of the Nile, from ancient Troy to ne Egyptian Thebes. Abraham[56] had been relieved by the ell-known plenty of Egypt; the same country, a small and opulous tract, was still capable of exporting each year two undred and sixty thousand quarters of wheat for the use of onstantinople;[57] and the capital of Justinian was supplied with ne manufactures of Sidon, fifteen centuries after they had been elebrated in the poems of Homer.[58] The annual powers of egetation, instead of being exhausted by two thousand harvests, ere renewed and invigorated by skilful husbandry, rich manure, nd seasonable repose. The breed of domestic animals was in-nitely multiplied. Plantations, buildings, and the instruments f labour and luxury, which are more durable than the term of uman life, were accumulated by the care of successive genera-ons. Tradition preserved, and experience simplified, the humble ractice of the arts; society was enriched by the division of bour and the facility of exchange; and every Roman was dged, clothed, and subsisted, by the industry of a thousand nds. The invention of the loom and distaff has been piously cribed to the gods. In every age, a variety of animal and egetable productions, hair, skins, wool, flax, cotton, and at length *k*, have been skilfully manufactured to hide or adorn the human dy; they were stained with an infusion of permanent colours; d the pencil was successfully employed to improve the labours the loom. In the choice of those colours[59] which imitate the auties of nature, the freedom of taste and fashion was indulged;

[56] See the book of Genesis (xii. 10), and the administration of Joseph. The nals of the Greeks and Hebrews agree in the early arts and plenty of Egypt; but s antiquity supposes a long series of improvements; and Warburton, who is ost stifled by the Hebrew, calls aloud for the Samaritan chronology (Divine gation, vol. iii. p. 29, &c.).

[57] Eight millions of Roman modii, besides a contribution of 80,000 aurei for the enses of water-carriage, from which the subject was graciously excused. See xiiith Edict of Justinian; the numbers are checked and verified by the agreement he Greek and Latin texts.

[58] Homer's Iliad, vi. 289. These veils, πέπλοι παμποίκιλοι, were the work of the onian women. But this passage is more honourable to the manufactures than the navigation of Phœnicia, from whence they had been imported to Troy in rygian bottoms.

[59] See in Ovid (de Arte Amandi, iii. 269, &c.) a poetical list of twelve colours rowed from flowers, the elements, &c. But it is almost impossible to discrimi-e by words all the nice and various shades both of art and nature.

but the deep purple[60] which the Phœnicians extracted from a shell-fish was restrained to the sacred person and palace of the emperor; and the penalties of treason were denounced against the ambitious subjects who dared to usurp the prerogative of the throne.[61]

The use of silk by the Romans

I need not explain that *silk*[62] is originally spun from the bowels of a caterpillar, and that it composes the golden tomb from whence a worm emerges in the form of a butterfly. Till the reign of Justinian, the silk-worms who feed on the leaves of the white mulberry-tree were confined to China; those of the pine, the oak, and the ash, were common in the forests both of Asia and Europe; but, as their education is more difficult and their produce more uncertain, they were generally neglected except in the little island of Ceos, near the coast of Attica. A thin gauze was procured from their webs, and this Cean manufacture, the invention of a woman, for female use, was long admired both in the East and at Rome. Whatever suspicion may be raised by the garments of the Medes and Assyrians, Virgil is the most ancient writer who expressly mentions the soft wool which was combed from the trees of the Seres or

[60] By the discovery of Cochineal, &c. we far surpass the colours of antiquity. Their royal purple had a strong smell, and a dark cast as deep as bull's blood—obscuritas rubens (says Cassiodorius, Var. 1, 2), nigredo sanguinea. The president Goguet (Origine des Loix et des Arts, part ii. l. ii. c. 2, p. 184-215) will amuse and satisfy the reader. I doubt whether his book, especially in England, is as well known as it deserves to be.

[61] Historical proofs of this jealousy have been occasionally introduced, and many more might have been added; but the arbitrary acts of despotism were justified by the sober and general declarations of law (Codex Theodosian. l. x. tit. 21, leg. Codex Justinian. l. xi. tit. 8, leg. 5). An inglorious permission, and necessary restriction, was applied to the *mimae*, the female dancers (Cod. Theodos. l. xv. tit. leg. 11).

[62] In the history of insects (far more wonderful than Ovid's Metamorphoses) the silk-worm holds a conspicuous place. The bombyx of the isle of Ceos, as described by Pliny (Hist. Natur. xi. 26, 27, with the notes of the two learned Jesuits, Hardouin and Brotier), may be illustrated by a similar species in China (Mémoires sur les Chinois, tom. ii. p. 575-598); but our silk-worm, as well as the white mulberry tree, were unknown to Theophrastus and Pliny. [Here the author has curiously confused Ceos with Cos. The earliest notice of the silk-worm is in Aristotle, Hist. Animal., 5, 19: ἐκ δὲ τούτου τοῦ ζώου καὶ τὰ βομβύκια ἀναλύουσι τῶν γυναικῶν τινες ἀναπηνιζόμεναι κἄπειτα ὑφαίνουσιν. The early Chinese Chronicle Hou-han-shu, which was partly written during the 5th cent. A.D. and covers the period A.D. 25 to 22 states that in Ta-tsin (the eastern part of the Roman empire) the people "practise the planting of trees and the rearing of silk-worms" (Hirth, China and the Roman Orient, p. 40). In a later work, the Wei-shu, contemporary with Justinian, mulberry-trees are specified in a proximity which is perhaps significant. "The country produces all kinds of grain, the mulberry-tree and hemp. The inhabitants busy themselves with silk-worms and fields" (Hirth, *ib.* p. 50).]

Chinese ;[63] and this natural error, less marvellous than the truth, was slowly corrected by the knowledge of a valuable insect, the first artificer of the luxury of nations. That rare and elegant luxury was censured, in the reign of Tiberius, by the gravest of the Romans; and Pliny, in affected though forcible language, has condemned the thirst of gain, which explored the last confines of the earth for the pernicious purpose of exposing to the public eye naked draperies and transparent matrons.[64] A dress which shewed the turn of the limbs and colour of the skin might gratify vanity or provoke desire; the silks which had been closely woven in China were sometimes unravelled by the Phœnician women, and the precious materials were multiplied by a looser texture and the intermixture of linen threads.[65] Two hundred years after the age of Pliny, the use of pure or even of mixed silks was confined to the female sex, till the opulent citizens of Rome and the provinces were insensibly familiarized with the example of Elagabalus, the first who, by his effeminate habit, had sullied the dignity of an emperor and a man. Aurelian complained that a pound of silk was sold at Rome for twelve ounces of gold; but the supply increased with the demand, and the price diminished with the supply. If accident or monopoly sometimes raised the value even above the

[63] Georgic. ii. 121 [cp. Claudian, Prob. et Olyb. 179]. Serica quando venerint usum planissime non scio: suspicor tamen in Julii Cæsaris ævo, nam ante non venio, says Justus Lipsius (Excursus i. ad Tacit. Annal. ii. 32). See Dion Cassius xliii. p. 358, edit. Reimar), and Pausanias (l. vi. p. 519), the first who describes, however strangely, the Seric insect. [For the silk trade see Pardessus, Mémoire sur le commerce de soie chez les anciens, in Mém. de l'Acad. des Inscriptions, 1842; Hirth, China and the Roman Orient, 1885 (see Appendix 12); for the mulberry-tree, see Hehn, Kulturpflanzen und Hausthiere, p. 336 *sqq.*]

[64] Tam longinquo orbe petitur, ut in publico matrona transluceat . . . ut denudet feminas vestis (Plin. vi. 20, xi. 21). Varro and Publius Syrus had already prayed on the Toga vitrea, ventus textilis, and nebula linea (Horat. Sermon. i. 2, 101, with the notes of Torrentius and Dacier). [Cp. Athenæus, iv. 3.]

[65] On the texture, colours, names, and use of the silk, half silk, and linen garments of antiquity, see the profound, diffuse, and obscure researches of the great Salmasius (in Hist. August. p. 127, 309, 310, 339, 341, 342, 344, 388-391, 395, 513), who was ignorant of the most common trades of Dijon or Leyden. [The authority for the unravelling and reweaving in Syria of woven silks imported from China is Pliny (in the passages cited in the last note). The statement has been regarded by some as a figment, but F. Hirth (*op. cit.*) has shown that it is confirmed in a striking way by Chinese authorities: by the Wei-lio (compiled before A.D. 429) and in the encyclopædia of Ma Tuan-lin. The former says: "They [the inhabitants of the Roman Orient, esp. Syria] were always anxious to get Chinese silk for severing it in order to make hu-ling [damask, gauze, Coan transparencies ?], for which reason they frequently trade by sea with the countries of An-hsi (Parthia)". Hirth's translation, p. 72. Cp. p. 257-8. Pardessus takes the same view of the passages in Pliny (*op. cit.* p. 14, 15).]

standard of Aurelian, the manufacturers of Tyre and Berytu were sometimes compelled, by the operation of the same causes to content themselves with a ninth part of that extravagan rate.[66] A law was thought necessary to discriminate the dres of comedians from that of senators; and of the silk exporte from its native country the far greater part was consumed b the subjects of Justinian. They were still more intimatel acquainted with a shell-fish of the Mediterranean, surnamed th silk-worm of the sea; the fine wool or hair by which the mothe of-pearl affixes itself to the rock is now manufactured for curi osity rather than use; and a robe obtained from the same singula materials was the gift of the Roman emperor to the satraps o Armenia.[67]

Importation from China by land and sea

A valuable merchandize of small bulk is capable of defrayin the expense of land carriage; and the caravans traversed th whole latitude of Asia in two hundred and forty-three days fro the Chinese ocean to the sea-coast of Syria. Silk was imme diately delivered to the Romans by the Persian merchants,[6 who frequented the fairs of Armenia and Nisibis; but this trad which in the intervals of truce was oppressed by avarice an jealousy, was totally interrupted by the long wars of the riva monarchies. The great king might proudly number Sogdiana and even *Serica*, among the provinces of his empire; but hi real dominion was bounded by the Oxus, and his useful inte course with the Sogdoites, beyond the river, depended on th pleasure of their conquerors, the white Huns and the Turks, wh successively reigned over that industrious people. Yet the mos savage dominion has not extirpated the seeds of agriculture an commerce in a region which is celebrated as one of the fou gardens of Asia; the cities of Samarcand and Bochara are ad vantageously seated for the exchange of its various productions

[66] Flavius Vopiscus in Aurelian. c. 45, in Hist. August. p. 224. See Salmasi ad Hist. Aug. p. 392, and Plinian. Exercitat. in Solinum, p. 694, 695. The Ane dotes of Procopius (c. 25) state a partial and imperfect rate of the price of silk the time of Justinian.

[67] Procopius de Ædif. l. iii. c. 1. These *pinnes de mer* are found near Smyrn Sicily, Corsica, and Minorca; and a pair of gloves of their silk was presented Pope Benedict XIV. [This cloth is the *byssus* woven from the threads of the *pin squamosa*.]

[68] Procopius, Persic. l. i. c. 20; l. ii. c. 25. Gothic. l. iv. c. 17. Menander Excerpt. Legat. p. 107 [fr. 18, F. H. G. iv. p. 225]. Of the Parthian or Persia empire, Isidore of Charax (in Stathmis Parthicis, p. 7, 8, in Hudson. Geograp Minor. tom. ii.) has marked the roads, and Ammianus Marcellinus (l. xxiii, c. p. 400) has enumerated the provinces.

nd their merchants purchased from the Chinese [69] the raw or manufactured silk which they transported into Persia for the se of the Roman empire. In the vain capital of China, the Sogdian caravans were entertained as the suppliant embassies of ributary kingdoms, and, if they returned in safety, the bold adventure was rewarded with exorbitant gain. But the difficult nd perilous march from Samarcand to the first town of Shensi ould not be performed in less than sixty, eighty, or one hundred lays; as soon as they had passed the Jaxartes, they entered the lesert; and the wandering hords, unless they are restrained by rmies and garrisons, have always considered the citizen and the raveller as the objects of lawful rapine. To escape the Tartar obbers and the tyrants of Persia, the silk caravans explored a nore southern road; they traversed the mountains of Thibet, lescended the streams of the Ganges or the Indus, and patiently xpected, in the ports of Guzerat and Malabar, the annual fleets f the West.[70] But the dangers of the desert were found less ntolerable than toil, hunger, and the loss of time; the attempt vas seldom renewed; and the only European who has passed hat unfrequented way applauds his own diligence, that in nine nonths after his departure from Pekin he reached the mouth of he Indus. The ocean, however, was open to the free commuication of mankind. From the great river to the tropic of Cancer, the provinces of China were subdued and civilized by he emperors of the North; they were filled about the time of he Christian æra with cities and men, mulberry-trees and their recious inhabitants; and, if the Chinese, with the knowledge f the compass, had possessed the genius of the Greeks or Phœnicians, they might have spread their discoveries over the outhern hemisphere. I am not qualified to examine, and I am ot disposed to believe, their distant voyages to the Persian gulf

[69] The blind admiration of the Jesuits confounds the different periods of the hinese history. They are more critically distinguished by M. de Guignes (Hist. es Huns, tom. i. part i. in the Tables, part. ii. in the Geography, Mémoires de Académie des Inscriptions, tom. xxxii. xxxvi. xlii. xliii.), who discovers the gradual rogress of the truth of the annals, and the extent of the monarchy, till the Christan æra. He has searched, with a curious eye, the connexions of the Chinese ith the nations of the West; but these connexions are slight, casual, and obscure; or did the Romans entertain a suspicion that the Seres or Sinæ possessed an emire not inferior to their own. [Cp. Appendix 12.]

[70] The roads from China to Persia and Hindostan may be investigated in the elations of Hackluyt and Thévenot (the ambassadors of Sharokh, Anthony Jenkinson, the Père Grueber, &c.). See likewise Hanway's Travels, vol. i. p. 345-357. communication through Thibet has been lately explored by the English soveigns of Bengal.

or the Cape of Good Hope; but their ancestors might equal the labours and success of the present race, and the sphere of their navigation might extend from the isles of Japan to the straits of Malacca, the pillars, if we may apply that name, of an Oriental Hercules.[71] Without losing sight of land, they might sail along the coast to the extreme promontory of Achin, which is annually visited by ten or twelve ships laden with the productions, the manufactures, and even the artificers, of China; the island of Sumatra and the opposite peninsula are faintly delineated[72] as the regions of gold and silver; and the trading cities named in the geography of Ptolemy may indicate that this wealth was not solely derived from the mines. The direct interval between Sumatra and Ceylon is about three hundred leagues; the Chinese and Indian navigators were conducted by the flight of birds and periodical winds, and the ocean might be securely traversed in square-built ships, which, instead of iron, were sewed together with the strong thread of the cocoa-nut. Ceylon, Serendib, or Taprobana, was divided between two hostile princes; one of whom possessed the mountains, the elephants, and the luminous carbuncle; and the other enjoyed the more solid riches of domestic industry, foreign trade, and the capacious harbour of Trinquemale, which received and dismissed the fleets of the East and West. In this hospitable isle, at an equal distance (as it was computed) from their respective countries, the silk merchants of China, who had collected in their voyages aloes, cloves, nutmegs, and sandal-wood, maintained a free and beneficial commerce with the inhabitants of the Persian gulf. The subjects of the great king exalted, without a rival, his power and magnificence; and the Roman, who confounded their vanity by comparing his paltry coin with a gold medal of the emperor Anastasius, had sailed to Ceylon in an Æthiopian ship, as a simple passenger.[73]

[71] For the Chinese navigation to Malacca and Achin, perhaps to Ceylon, see Renaudot (on the two Mahometan Travellers, p. 8-11, 13-17, 141-157), Dampier (vol. ii. p. 136), the Hist. Philosophique des deux Indes (tom. i. p. 98), and the Hist. Générale des Voyages (tom. vi. p. 201).

[72] The knowledge, or rather ignorance, of Strabo, Pliny, Ptolemy, Arrian, Marcian, &c. of the countries eastward of Cape Comorin, is finely illustrated by d'Anville (Antiquité Géographique de l'Inde, especially p. 161-198). Our geography of India is improved by commerce and conquest; and has been illustrated by the excellent maps and memoirs of major Rennel. If he extends the sphere of his inquiries with the same critical knowledge and sagacity, he will succeed, and may surpass, the first of modern geographers.

[73] The Taprobane of Pliny (vi. 24), Solinus (c. 53), and Salmas. (Plinianæ Exercitat. p. 781, 782), and most of the ancients, who often confound the islands of

As silk became of indispensable use, the emperor Justinian saw, with concern, that the Persians had occupied by land and sea the monopoly of this important supply, and that the wealth of his subjects was continually drained by a nation of enemies and idolaters. An active government would have restored the trade of Egypt and the navigation of the Red Sea, which had decayed with the prosperity of the empire; and the Roman vessels might have sailed, for the purchase of silk, to the ports of Ceylon, of Malacca, or even of China. Justinian embraced a more humble expedient, and solicited the aid of his Christian allies, the Æthiopians of Abyssinia, who had recently acquired the arts of navigation, the spirit of trade, and the seaport of Adulis,[74] still decorated with the trophies of a Grecian conqueror. Along the African coast, they penetrated to the equator in search of gold, emeralds, and aromatics; but they wisely declined an unequal competition, in which they must be always prevented by the vicinity of the Persians to the markets of India; and the emperor submitted to the disappointment, till his wishes were gratified by an unexpected event. The gospel had been preached to the Indians: a bishop already governed the Christians of St. Thomas on the pepper coast of Malabar; a church was planted in Ceylon; and the missionaries pursued the footsteps of commerce to the extremities of Asia.[75] Two Persian monks had long resided in China, perhaps in the royal city of Nankin, the seat of a monarch addicted to foreign superstitions, and who actually received an embassy from the isle of Ceylon. In the midst their pious occupations, they viewed with a curious eye the common dress of the Chinese, the manufactures of silk, and the myriads of silk-worms, whose education (either on trees or in houses) had once been considered as the labour of queens.[76] They soon discovered that it was impracticable to transport the

Introduction of silkworms into Greece

Ceylon and Sumatra, is more clearly described by Cosmas Indicopleustes; yet even the Christian topographer has exaggerated its dimensions. His information of the Indian and Chinese trade is rare and curious (l. ii. p. 138; l. xi. p. 337, 338, edit. Montfaucon).

[74] See Procopius, Persic. (l. ii. c. 20). Cosmas affords some interesting knowledge of the port and inscription [two inscriptions, (1) of Ptolemy Euergetes (iii.); (2) of a king of Axum, of a much later date] of Adulis (Topograph. Christ. l. ii. p. 138, 140-143), and of the trade of the Axumites along the African coast of Barbaria and Zingi (p. 138, 139), and as far as Taprobane (l. xi. p. 339). [On the Axumites, see Dillmann's article in the Abhandlungen of the Berlin Academy, 1878.]

[75] See the Christian missions in India, in Cosmas (l. iii. p. 178, 179, l. xi. p. 337), and consult Asseman. Bibliot. Orient. (tom. iv. p. 413-548).

[76] The invention, manufacture, and general use of silk in China may be seen in Duhalde (Description Générale de la Chine, tom. ii. p. 165, 205-223). The province of Chekian is the most renowned both for quantity and quality.

short-lived insect, but that in the eggs a numerous progeny might be preserved and multiplied in a distant climate. Religion or interest had more power over the Persian monks than the love of their country: after a long journey, they arrived at Constantinople, imparted their project to the emperor, and were liberally encouraged by the gifts and promises of Justinian. To the historians of that prince, a campaign at the foot of mount Caucasus has seemed more deserving of a minute relation than the labours of these missionaries of commerce, who again entered China, deceived a jealous people by concealing the eggs of the silk-worm in a hollow cane, and returned in triumph with the spoils of the East. Under their direction, the eggs were hatched at the proper season by the artificial heat of dung; the worms were fed with mulberry leaves; they lived and laboured in a foreign climate; a sufficient number of butterflies was saved to propagate the race; and trees were planted to supply the nourishment of the rising generations. Experience and reflection corrected the errors of a new attempt, and the Sogdoite ambassadors acknowledged, in the succeeding reign, that the Romans were not inferior to the natives of China in the education of the insects and the manufactures of silk,[77] in which both China and Constantinople have been surpassed by the industry of modern Europe. I am not insensible of the benefits of elegant luxury; yet I reflect with some pain that, if the importers of silk had introduced the art of printing, already practised by the Chinese, the comedies of Menander and the entire decads of Livy would have been perpetuated in the editions of the sixth century. A larger view of the globe might at least have promoted the improvement of speculative science, but the Christian geography was forcibly extracted from texts of scripture, and the study of nature was the surest symptom of an unbelieving mind. The orthodox faith confined the habitable world to *one* temperate zone, and represented the earth as an oblong surface, four hundred days' journey in length, two hundred in breadth, encompassed by the ocean, and covered by the solid crystal of the firmament.[78]

IV. The subjects of Justinian were dissatisfied with the times

[77] Procopius, l. viii. (Gothic. iv.) c. 17. Theophanes Byzant. apud Phot. Cod. lxxxiv. p. 38. Zonaras, tom. ii. l. xiv. p. 69. Pagi (tom. ii. p. 602) assigns to the year 552 this memorable importation. Menander (in Excerpt. Legat. p. 107 [fr. 18, F. H. G. iv.]) mentions the admiration of the Sogdoites; and Theophylact Simocatta (l. vii. c. 9) darkly represents the two rival kingdoms in (*China*) the country of silk.

[78] Cosmas, surnamed Indicopleustes, or the Indian navigator, performed his voyage about the year 522, and composed at Alexandria, between 535 and 547

and with the government. Europe was over-run by the Barbarians, and Asia by the monks; the poverty of the West discouraged the trade and manufactures of the East; the produce of labour was consumed by the unprofitable servants of the church, the state, and the army; and a rapid decrease was felt in the fixed and circulating capitals which constitute the national wealth. The public distress had been alleviated by the economy of Anastasius, and that prudent emperor accumulated an immense treasure while he delivered his people from the most odious or oppressive taxes. Their gratitude universally applauded the abolition of the *gold of affliction*, a personal tribute on the industry of the poor,[79] but more intolerable, as it should seem, in the form than in the substance, since the flourishing city of Edessa paid only one hundred and forty pounds of gold, which was collected in four years from ten thousand artificers.[80] Yet such was the parsimony which supported this liberal disposition that, in a reign of twenty-seven years, Anastasius saved, from his annual revenue, the enormous sum of thirteen millions sterling, or three hundred and twenty thousand pounds of gold.[81] His example was neglected, and his treasure was abused, by the nephew of Justin. The riches of Justinian were speedily exhausted by alms and buildings, by ambitious wars, and ignominious treaties. His revenues were found inadequate to his expenses. Every art was tried to extort from the people the

State of the revenue

[Chrysargyron]

Christian Topography (Montfaucon, Præfat. c. 1), in which he refutes the impious opinion that the earth is a globe; and Photius had read this work (Cod. xxxvi. p. 1, 10), which displays the prejudices of a monk, with the knowledge of a merchant; the most valuable part has been given in French and in Greek by Melchisedec Thévenot (Relations Curieuses, part i.), and the whole is since published in a splendid edition by the Père Montfaucon (Nova Collectio Patrum, Paris, 1707, 2 vols. in fol. tom. ii. p. 113-346). But the editor, a theologian, might blush at not discovering the Nestorian heresy of Cosmas, which has been detected by la Croze Christianisme des Indes, tom. i. p. 40-56). [On Cosmas, see H. Gelzer, in Jahrb. f. protestantische Theologie, ix. p. 105 *sqq.* (1883).]

[79] Evagrius (l. iii. c. 39, 40) is minute and grateful, but angry with Zosimus for calumniating the great Constantine. In collecting all the bonds and records of the tax, the humanity of Anastasius was diligent and artful; fathers were sometimes compelled to prostitute their daughters (Zosim. Hist. l. ii. c. 38, p. 165, 166. Lipsiæ, 1784). Timotheus of Gaza chose such an event for the subject of a tragedy (Suidas, tom. iii. p. 475), which contributed to the abolition of the tax (Cedrenus, p. 35),—an happy instance (if it be true) of the use of the theatre. [On Anastasius' finance cp. John Lydus, De Mag., iii. 45, 46.]

[80] See Josua Stylites, in the Bibliotheca Orientalis of Asseman (tom. i. p. 268 [c. 31, p. 22, ed. Wright]). This capitation tax is slightly mentioned in the Chronicle of Edessa.

[81] Procopius (Anecdot. c. 19) fixes this sum from the report of the treasurers themselves. Tiberius had *vicies ter millies*; but far different was his empire from that of Anastasius.

Avarice and profusion of Justinian

gold and silver which he scattered with a lavish hand from Persia to France;[82] his reign was marked by the vicissitudes, or rather by the combat, of rapaciousness and avarice, of splendour and poverty; he lived with the reputation of hidden treasures,[83] and bequeathed to his successor the payment of his debts.[84] Such a character has been justly accused by the voice of the people and of posterity; but public discontent is credulous; private malice is bold; and a lover of truth will peruse with a suspicious eye the instructive anecdotes of Procopius. The secret historian represents only the vices of Justinian, and those vices are darkened by his malevolent pencil. Ambiguous actions are imputed to the worst motives; error is confounded with guilt, accident with design, and laws with abuses; the partial injustice of a moment is dexterously applied as the general maxim of a reign of thirty-two years; the emperor alone is made responsible for the faults of his officers, the disorders of the times, and the corruption of his subjects; and even the calamities of nature, plagues, earthquakes, and inundations, are imputed to the prince of the demons, who had mischievously assumed the form of Justinian.[85]

Pernicious savings

After this precaution I shall briefly relate the anecdotes of avarice and rapine, under the following heads: I. Justinian was so profuse that he could not be liberal. The civil and military officers, when they were admitted into the service of the palace, obtained an humble rank and a moderate stipend; they ascended by seniority to a station of affluence and repose; the annual pensions, of which the most honourable class was abolished by Justinian, amounted to four hundred thousand pounds; and this domestic economy was deplored by the venal or indigent courtiers as the last outrage on the majesty of the empire. The posts, the salaries of physicians, and the nocturnal illuminations were objects of more general concern; and the cities might justly complain that he usurped the municipal revenues which had been appropriated to these useful insti-

[82] Evagrius (l. iv. c. 30), in the next generation, was moderate and well-informed and Zonaras (l. xiv. p. 61 [c. 6]), in the xiith century, had read with care, and though without prejudice; yet their colours are almost as black as those of the Anecdotes.

[83] Procopius (Anecdot. c. 30) relates the idle conjectures of the times. The death of Justinian, says the secret historian, will expose his wealth or poverty.

[84] See Corippus, de Laudibus Justini Aug. l. ii. 260, &c. 384, &c.

"Plurima sunt vivo nimium neglecta parenti,
Unde tot exhaustus contraxit debita fiscus".

Centenaries of gold were brought by strong arms into the hippodrome:

'Debita genitoris persolvit, cauta recepit".

[85] The Anecdotes (c. 11-14, 18, 20-30) supply many facts and more complaints

tutions. Even the soldiers were injured; and such was the decay of military spirit that they were injured with impunity. The emperor refused, at the return of each fifth year, the customary donative of five pieces of gold, reduced his veterans to beg their bread, and suffered unpaid armies to melt away in the wars of Italy and Persia. II. The humanity of his predecessors had always remitted, in some auspicious circumstance of their reign, the arrears of the public tribute; and they dexterously assumed the merit of resigning those claims which it was impracticable to enforce. "Justinian in the space of thirty-two years has never granted a similar indulgence; and many of his subjects have renounced the possession of those lands whose value is insufficient to satisfy the demands of the treasury. To the cities which had suffered by hostile inroads, Anastasius promised a general exemption of seven years: the provinces of Justinian have been ravaged by the Persians and Arabs, the Huns and Sclavonians; but his vain and ridiculous dispensations of a single year have been confined to those places which were actually taken by the enemy." Such is the language of the secret historian, who expressly denies that *any* indulgence was granted to Palestine after the revolt of the Samaritans: a false and odious charge, confuted by the authentic record, which attests a relief of thirteen centenaries of gold (fifty-two thousand pounds) obtained for that desolate province by the intercession of St. Sabas.[86] III. Procopius has not condescended to explain the system of taxation, which fell like a hail-storm upon the land, like a devouring pestilence on its inhabitants; but we should become the accomplices of his malignity, if we imputed to Justinian alone the ancient though rigorous principle that a whole district should be condemned to sustain the partial loss of the persons or property of individuals. The *Annona*, or supply of corn for the use of the army and capital, was a grievous and arbitrary exaction, which exceeded, perhaps in a tenfold proportion, the ability of the farmer; and his distress was aggravated by the partial injustice of weights and measures, and the expense and labour of distant carriage. In a time of scarcity an extraordinary requisition was made to the adjacent provinces of Thrace, Bithynia, and Phrygia; but the proprietors,

Remittances

Taxes

[86] One to Scythopolis, capital of the second Palestine, and twelve for the rest of the province. Aleman. (p. 59) honestly produces this fact from a Ms. life of St. Sabas, by his disciple Cyril, in the Vatican library, and since published by Cotelerius. [Ecc. Gr. Mon. vol. 3, p. 220 *sqq.*; p. 400 and 416 in the ed. of Pomylovski, who has published the Greek text with an old Slavonic translation, 1890.]

after a wearisome journey and a perilous navigation, received so inadequate a compensation that they would have chosen the alternative of delivering both the corn and price at the doors of their granaries. These precautions might indicate a tender solicitude for the welfare of the capital; yet Constantinople did not escape the rapacious despotism of Justinian. Till his reign, the straits of the Bosphorus and Hellespont were open to the freedom of trade, and nothing was prohibited except the exportation of arms for the service of the Barbarians. At each of these gates of the city, a prætor was stationed, the minister of Imperial avarice; heavy customs were imposed on the vessels and their merchandize; the oppression was retaliated on the helpless consumer; the poor were afflicted by the artificial scarcity and exorbitant price of the market; and a people, accustomed to depend on the liberality of their prince, might sometimes complain of the deficiency of water and bread.[87] The *aerial* tribute, without a name, a law, or a definite object, was an annual gift of one hundred and twenty thousand pounds, which the emperor accepted from his Prætorian præfect; and the means of payment were abandoned to the discretion of that powerful magistrate. IV. Even such a tax was less intolerable than the privilege of monopolies, which checked the fair competition of industry, and, for the sake of a small and dishonest gain, imposed an arbitrary burthen on the wants and luxury of the subject. "As soon (I transcribe the Anecdotes) as the exclusive sale of silk was usurped by the Imperial treasurer, a whole people, the manufacturers of Tyre and Berytus, was reduced to extreme misery, and either perished with hunger or fled to the hostile dominions of Persia." A province might suffer by the decay of its manufactures, but in this example of silk Procopius has partially overlooked the inestimable and lasting benefit which the empire received from the curiosity of Justinian. His addition of one-seventh to the ordinary price of copper money may be interpreted with the same candour and the alteration, which might be wise, appears to have been innocent; since he neither alloyed the purity, nor enhanced the value, of the gold coin,[88] the legal measure of public and

Monopolies

[87] John Malala (tom. ii. p. 232 [p. 488]) mentions the want of bread, and Zonaras (l. xiv. p. 63 [c. 6]) the leaden pipes, which Justinian, or his servants, stole from the aqueducts.

[88] For an aureus, one-sixth of an ounce of gold, instead of 210, he gave no more than 180 folles, or ounces of copper. A disproportion of the mint, below the market price, must have soon produced a scarcity of small money. I

rivate payments. V. The ample jurisdiction required by the rmers of the revenue to accomplish their engagements might e placed in an odious light, as if they had purchased from the mperor the lives and fortunes of their fellow-citizens. And a ore direct sale of honours and offices was transacted in the alace, with the permission, or at least with the connivance, of ustinian and Theodora. The claims of merit, even those of vour, were disregarded, and it was almost reasonable to expect at the bold adventurer who had undertaken the trade of a agistrate should find a rich compensation for infamy, labour, anger, the debts which he had contracted, and the heavy interest hich he paid. A sense of the disgrace and mischief of this venal ractice at length awakened the slumbering virtue of Justinian; nd he attempted, by the sanction of oaths[89] and penalties, guard the integrity of his government; but at the end of year of perjury his rigorous edict was suspended, and corrupon licentiously abused her triumph over the impotence of the ws. VI. The testament of Eulalius, count of the domestics, eclared the emperor his sole heir, on condition, however, that e should discharge his debts and legacies, allow to his three aughters a decent maintenance, and bestow each of them in arriage, with a portion of ten pounds of gold. But the lendid fortune of Eulalius had been consumed by fire; and ie inventory of his goods did not exceed the trifling sum of ve hundred and sixty-four pieces in gold. A similar instance Grecian history admonished the emperor of the honourable rt prescribed for his imitation. He checked the selfish urmurs of the treasury, applauded the confidence of his friend, scharged the legacies and debts, educated the three virgins nder the eye of the empress Theodora, and doubled the arriage portion which had satisfied the tenderness of their ther.[90] The humanity of a prince (for princes cannot be enerous) is entitled to some praise; yet even in this act of rtue we may discover the inveterate custom of supplanting the

Venality

Testaments

ngland, *twelve* pence in copper would sell for no more than *seven* pence (Smith's quiry into the Wealth of Nations, vol. i. p. 49). For Justinian's gold coin, see agrius (l. iv. c. 30). [Cp. Appendix 13.]

[89] The oath is conceived in the most formidable words (Novell. viii. tit. 3). ie defaulters imprecate on themselves, quicquid habent telorum armamentaria li: the part of Judas, the leprosy of Giezi, the tremor of Cain, &c. besides all nporal pains.

[90] A similar or more generous act of friendship is related by Lucian of Eudamis of Corinth (in Toxare, c. 22, 23, tom. ii. p. 530), and the story has produced ingenious, though feeble, comedy of Fontenelle.

legal or natural heirs, which Procopius imputes to the reign o Justinian. His charge is supported by eminent names and scandalous examples; neither widows nor orphans were spared and the art of soliciting, or extorting, or supposing, testament was beneficially practised by the agents of the palace. Thi base and mischievous tyranny invades the security of private life; and the monarch who has indulged an appetite for gai will soon be tempted to anticipate the moment of succession to interpret wealth as an evidence of guilt, and to proceed fron the claim of inheritance to the power of confiscation. VII Among the forms of rapine, a philosopher may be permitted t name the conversion of Pagan or heretical riches to the use o the faithful; but in the time of Justinian this holy plunde was condemned by the sectaries alone, who became the victim of his orthodox avarice.[91]

The ministers of Justinian

Dishonour might be ultimately reflected on the character o Justinian; but much of the guilt, and still more of the profit, wa intercepted by the ministers, who were seldom promoted for thei virtues, and not always selected for their talents.[91a] The merit of Tribonian the quæstor will hereafter be weighed in the reforma tion of the Roman law; but the economy of the East was sub ordinate to the Prætorian præfect, and Procopius has justified hi Anecdotes by the portrait, which he exposes in his public history, o

John of Cappadocia

the notorious vices of John of Cappadocia.[92] His knowledge wa not borrowed from the schools,[93] and his style was scarcely legible but he excelled in the powers of native genius to suggest th wisest counsels and to find expedients in the most desperate situa tions. The corruption of his heart was equal to the vigour of hi understanding. Although he was suspected of magic and Paga superstition, he appeared insensible to the fear of God or th reproaches of man; and his aspiring fortune was raised on th death of thousands, the poverty of millions, the ruin of cities, an

[91] John Malala, tom. ii. p. 101, 102, 103 [p. 439-40, ed. Bonn].

[91a] One of these, Anatolius, perished in an earthquake—doubtless a judgment The complaints and clamours of the people in Agathias (l. v. p. 146, 147) are almo an echo of the anecdote. The aliena pecunia reddenda of Corippus (l. ii. 381, &c is not very honourable to Justinian's memory.

[92] See the history and character of John of Cappadocia in Procopius (Persic. l. c. 24, 25; l. ii. c. 30. Vandal. l. i. c. 13. Anecdot. c. 2, 17, 22). The agreement the history and Anecdotes is a mortal wound to the reputation of the præfec [Besides Procopius, we have a long notice in the treatise De Magistratibus of Joh Lydus, who is equally unsparing.]

[93] Οὐ γὰρ ἄλλο οὐδὲν ἐς γραμματιστοῦ φοιτῶν ἔμαθεν ὅτι μὴ γράμματα, καὶ ταῦ κακὰ κακῶς γράψαι—a forcible expression.

the desolation of provinces. From the dawn of light to the moment of dinner, he assiduously laboured to enrich his master and himself at the expense of the Roman world; the remainder of the day was spent in sensual and obscene pleasures; and the silent hours of the night were interrupted by the perpetual dread of the justice of an assassin. His abilities, perhaps his vices, recommended him to the lasting friendship of Justinian; the emperor yielded with reluctance to the fury of the people; his victory was displayed by the immediate restoration of their enemy; and they felt above ten years, under his oppressive administration, that he was stimulated by revenge rather than instructed by misfortune. Their murmurs served only to fortify the resolution of Justinian; but the præfect in the insolence of favour provoked the resentment of Theodora, disdained a power before which every knee was bent, and attempted to sow the seeds of discord between the emperor and his beloved consort. Even Theodora herself was constrained to dissemble, to wait a favourable moment, and by an artful conspiracy to render John of Cappadocia the accomplice of his own destruction. At a time when Belisarius, unless he had been a hero, must have shewn himself a rebel, his wife Antonina, who enjoyed the secret confidence of the empress, communicated his feigned discontent to Euphemia, the daughter of the Præfect; the credulous virgin imparted to her father the dangerous project; and John, who might have known the value of oaths and promises, was tempted to accept a nocturnal, and almost treasonable, interview with the wife of Belisarius. An ambuscade of guards and eunuchs had been posted by the command of Theodora; they rushed with drawn swords to seize or to punish the guilty minister; he was saved by the fidelity of his attendants; but, instead of appealing to a gracious sovereign who had privately warned him of his danger, he pusillanimously fled to the sanctuary of the church. The favourite of Justinian was sacrificed to conjugal tenderness or domestic tranquillity; the conversion of a præfect into a priest extinguished his ambitious hopes; but the friendship of the emperor alleviated his disgrace, and he retained in the mild exile of Cyzicus an ample portion of his riches. Such imperfect revenge could not satisfy the unrelenting hatred of Theodora; the murder of his old enemy, the bishop of Cyzicus, afforded a decent pretence; and John of Cappadocia, whose actions had deserved a thousand deaths, was at last condemned for a crime of which he was innocent. A great minister, who had been invested with the honours of consul and patrician, was ignominiously scourged like

the vilest of malefactors; a tattered cloak was the sole remnan
[A.D. 543] of his fortunes; he was transported in a bark to the place of hi
banishment at Antinopolis in Upper Egypt, and the præfect o
the East begged his bread through the cities which had trembled
at his name. During an exile of seven years, his life was pro
tracted and threatened by the ingenious cruelty of Theodora
and, when her death permitted the emperor to recal a servan
whom he had abandoned with regret, the ambition of John o
Cappadocia was reduced to the humble duties of the sacerdota
profession. His successors convinced the subjects of Justinia
that the arts of oppression might still be improved by experienc
and industry; the frauds of a Syrian banker were introduced int
the administration of the finances; and the example of th
præfect was diligently copied by the quæstor, the public an
private treasurer, the governors of provinces, and the principa
magistrates of the Eastern empire.[94]

His edifices and architects

V. The *edifices* of Justinian were cemented with the blood an
treasure of his people; but those stately structures appeared t
announce the prosperity of the empire, and actually displaye
the skill of their architects. Both the theory and practice o
the arts which depend on mathematical science and mechanica
power were cultivated under the patronage of the emperors; th
fame of Archimedes was rivalled by Proclus and Anthemius
and, if their *miracles* had been related by intelligent spectator
they might now enlarge the speculations, instead of exciting th
distrust, of philosophers. A tradition has prevailed that th
Roman fleet was reduced to ashes in the port of Syracuse by th
burning-glasses of Archimedes;[95] and it is asserted that a simila
expedient was employed by Proclus to destroy the Gothic vesse
in the harbour of Constantinople, and to protect his benefacto
Anastasius against the bold enterprise of Vitalian.[96] A machin
was fixed on the walls of the city, consisting of an hexagon mirro

[94] The chronology of Procopius is loose and obscure; but with the aid of Pagi
can discern that John was appointed prætorian præfect of the East in the year 53
that he was removed in January 532—restored before June 533—banished in 541 [
Cyzicus]—and recalled between June 548 and April 1, 549. Aleman. (p. 96, 9
gives the list of his ten successors—a rapid series in a part of a single reign.

[95] This conflagration is hinted by Lucian (in Hippia, c. 2) and Galen (l. iii.
Temperamentis, tom. i. p. 81, edit. Basil) in the second century. A thousand yea
afterwards, it is positively affirmed by Zonaras (l. ix. p. 424) on the faith of Di
Cassius, by Tzetzes (Chiliad ii. 119, &c.), Eustathius (ad Iliad. E. p. 338), and t
scholiast of Lucian. See Fabricius (Bibliot. Græc. l. iii. c. 22, tom. ii. p. 551, 55
to whom I am more or less indebted for several of these quotations.

[96] Zonaras (l. xiv. p. 55 [c. 3]) affirms the fact, without quoting any evidenc
[He seems to have followed George Monachus here (ed. Muralt, i. 517), but to ha
added the artifice of the mirror, out of his own head.]

of polished brass, with many smaller and moveable polygons to receive and reflect the rays of the meridian sun; and a consuming flame was darted to the distance, perhaps, of two hundred feet.[97] The truth of these two extraordinary facts is invalidated by the silence of the most authentic historians; and the use of burning-glasses was never adopted in the attack or defence of places.[98] Yet the admirable experiments of a French philosopher[99] have demonstrated the possibility of such a mirror; and, since it is possible, I am more disposed to attribute the art to the greatest mathematicians of antiquity than to give the merit of the fiction to the idle fancy of a monk or a sophist. According to another story, Proclus applied sulphur to the destruction of the Gothic fleet;[100] in a modern imagination, the name of sulphur is instantly connected with the suspicion of gunpowder, and that suspicion is propagated by the secret arts of his disciple Anthemius.[101] A citizen of Tralles in Asia had five sons, who were all distinguished in their respective professions by merit and success. Olympius excelled in the knowledge and practice of the Roman jurisprudence. Dioscorus and Alexander became learned physicians; but the skill of the former was exercised for the benefit of his fellow-citizens, while his more ambitious brother acquired wealth and reputation at Rome. The fame of Metrodorus the grammarian, and of Anthemius the mathematician and architect, reached the ears of the emperor Justinian, who invited them to Constantinople; and, while the one instructed the rising generation in the schools of eloquence, the other filled the capital and provinces with more lasting

[97] Tzetzes describes the artifice of these burning-glasses, which he had read, perhaps with no learned eyes, in a mathematical treatise of Anthemius. That treatise, περὶ παραδόξων μηχανημάτων, has been lately published, translated, and illustrated, by M. Dupuys, a scholar and a mathematician (Mémoires de l'Académie des Inscriptions, tom. xlii. p. 392-451). [See A. Westermann's *Paradoxographi*, p. 149 *sqq.*; and, for a new fragment of Anthemius, C. Belger in *Hermes*, xvi. p. 261 *sqq.* (1881), and C. Wachsmuth, *ib.* p. 637 *sqq.*]

[98] In the siege of Syracuse, by the silence of Polybius, Plutarch, Livy; in the siege of Constantinople, by that of Marcellinus and all the contemporaries of the 6th century.

[99] Without any previous knowledge of Tzetzes or Anthemius, the immortal Buffon imagined and executed a set of burning-glasses, with which he could inflame planks at the distance of 200 feet (Supplément à l'Hist. Naturelle, tom. i. p. 399-483, quarto edition). What miracles would not his genius have performed for the public service, with royal expense, and in the strong sun of Constantinople or Syracuse?

[100] John Malala (tom. ii. p. 120-124 [403-5]) relates the fact; but he seems to confound the names or persons of Proclus and Marinus. [Marinus was the praetorian præfect to whom Proclus gave his mixture.]

[101] Agathias, l. v. p. 149-152. The merit of Anthemius as an architect is loudly praised by Procopius (de Ædif. l. i. c. 1), and Paulus Silentiarius (part i. 134, &c.).

monuments of his art. In a trifling dispute relative to the wall or windows of their contiguous houses, he had been vanquished by the eloquence of his neighbour Zeno; but the orator was defeated in his turn by the master of mechanics, whose malicious, though harmless, stratagems are darkly represented by the ignorance of Agathias. In a lower room, Anthemius arranged several vessels or cauldrons of water, each of them covered by the wide bottom of a leathern tube, which rose to a narrow top, and was artificially conveyed among the joists and rafters of the adjacent building. A fire was kindled beneath the cauldron; the steam of the boiling water ascended through the tubes; the house was shaken by the efforts of imprisoned air, and its trembling inhabitants might wonder that the city was unconscious of the earthquake which they had felt. At another time, the friends of Zeno, as they sat at table, were dazzled by the intolerable light which flashed in their eyes from the reflecting mirrors of Anthemius; they were astonished by the noise which he produced from a collision of certain minute and sonorous particles; and the orator declaimed in tragic style to the senate, that a mere mortal must yield to the power of an antagonist who shook the earth with the trident of Neptune and imitated the thunder and lightning of Jove himself. The genius of Anthemius and his colleague Isidore the Milesian was excited and employed by a prince whose taste for architecture had degenerated into a mischievous and costly passion. His favourite architects submitted their designs and difficulties to Justinian, and discreetly confessed how much the laborious meditations were surpassed by the intuitive knowledge or celestial inspiration of an emperor, whose views were always directed to the benefit of his people, the glory of his reign, and the salvation of his soul.[102]

Foundation of the church of St. Sophia

The principal church, which was dedicated by the founder of Constantinople to Saint Sophia, or the eternal wisdom, had been twice destroyed by fire: after the exile of John Chrysostom and during the *Nika* of the blue and green factions. No sooner did the tumult subside than the Christian populace deplored their sacrilegious rashness; but they might have rejoiced in the calamity, had they foreseen the glory of the new temple, which at the end of forty days was strenuously unde

[102] See Procopius (de Ædificiis, l. i. c. 1, 2, l. ii. c. 3). He relates a coincidence of dreams which supposes some fraud in Justinian or his architect. They both saw, in a vision, the same plan for stopping an inundation at Dara. A stone quarry near Jerusalem was revealed to the emperor (l. v. c. 6); an angel was tricked into the perpetual custody of St. Sophia (Anonym. de Antiq. C. P. l. iv. p. 70).

aken by the piety of Justinian.[103] The ruins were cleared away, more spacious plan was described, and, as it required the onsent of some proprietors of ground, they obtained the most xorbitant terms from the eager desires and timorous conscience f the monarch. Anthemius formed the design, and his genius irected the hands of ten thousand workmen, whose payment pieces of fine silver was never delayed beyond the evening. he emperor himself, clad in a linen tunic, surveyed each day eir rapid progress, and encouraged their diligence by his miliarity, his zeal, and his rewards The new cathedral of t. Sophia was consecrated by the patriarch, five years, eleven onths, and ten days from the first foundation; and, in the idst of the solemn festival, Justinian exclaimed with devout anity, "Glory be to God who hath thought me worthy to ccomplish so great a work; I have vanquished thee, O Solo-on!'[104] But the pride of the Roman Solomon, before twenty ears had elapsed, was humbled by an earthquake, which over-rew the eastern part of the dome. Its splendour was again estored by the perseverance of the same prince; and in the irty-sixth year of his reign Justinian celebrated the second edication of a temple, which remains, after twelve centuries, a ately monument of his fame. The architecture of St. Sophia, hich is now converted into the principal mosch, has been itated by the Turkish sultans, and that venerable pile con-nues to excite the fond admiration of the Greeks, and the ore rational curiosity of European travellers. The eye of the

Description

[103] Among the crowd of ancients and moderns who have celebrated the edifice St. Sophia, I shall distinguish and follow, 1. Four original spectators and storians: Procopius (de Aedific. l. i. c. 1), Agathias (l. v. p. 152, 153), Paul Silen-rius (in a poem of 1026 hexameters, ad calcem Annæ Comnen. Alexiad.), and vagrius (l. iv. c. 31). 2. Two legendary Greeks of a later period: George odinus (de Origin. C. P. p. 64-74), and the anonymous writer of Banduri (Imp. rient. tom. i. l. iv. p. 65-80). 3. The great Byzantine antiquarian Ducange omment. ad Paul. Silentiar. p. 525-598, and C. P. Christ. l. iii. p. 5-78). 4. Two rench travellers—the one Peter Gyllius (de Topograph. C. P. l. ii. c. 3, 4) in the ith; the other, Grelot (Voyage de C. P. p. 95-164. Paris 1680, in quarto): he s given plans, prospects and inside views of St. Sophia; and his plans, though a smaller scale, appear more correct than those of Ducange. I have adopted d reduced the measures of Grelot; but, as no Christian can now ascend the me, the height is borrowed from Evagrius, compared with Gyllius, Greaves, and e Oriental Geographer. [The dimensions of St. Sophia given in the text differ but a few feet from those given in Salzenberg's great work on the church ltchristliche Baudenkmale von Constantinopel). The best and fullest study of e church is Lethaby and Swainson, Sancta Sophia.]

[104] Solomon's temple was surrounded with courts, porticoes, &c.; but the proper ucture of the house of God was no more (if we take the Egyptian or Hebrew bit at 22 inches) than 55 feet in height, 36⅔ in breadth, and 110 in length—a all parish church, says Prideaux (Connection, vol. i. p. 144 folio); but few nctuaries could be valued at four or five millions sterling!

spectator is disappointed by an irregular prospect of half domes and shelving roofs; the western front, the principal approach, is destitute of simplicity and magnificence; and the scale of dimensions has been much surpassed by several of the Latin cathedrals. But the architect who first erected an *aerial* cupola is entitled to the praise of bold design and skilful execution. The dome of St. Sophia, illuminated by four and twenty windows, is formed with so small a curve that the depth is equal only to one-sixth of its diameter; the measure of that diameter is one hundred and fifteen feet; and the lofty centre, where a crescent has supplanted the cross, rises to the perpendicular height of one hundred and eighty feet above the pavement. The circle which encompasses the dome lightly reposes on four strong arches, and their weight is firmly supported by four massy piles whose strength is assisted on the northern and southern sides by four columns of Egyptian granite. A Greek cross, inscribed in a quadrangle, represents the form of the edifice; the exact breadth is two hundred and forty-three feet, and two hundred and sixty-nine may be assigned for the extreme length from the sanctuary in the east to the nine western doors which open into the vestibule, and from thence into the *narthex* or exterior portico. That portico was the humble station of the penitents. The nave or body of the church was filled by the congregation of the faithful; but the two sexes were prudently distinguished, and the upper and lower galleries were allotted for the more private devotion of the women. Beyond the northern and southern piles, a balustrade, terminated on either side by the thrones of the emperor and the patriarch, divided the nave from the choir; and the space, as far as the steps of the altar, was occupied by the clergy and singers. The altar itself, a name which insensibly became familiar to Christian ears, was placed in the eastern recess, artificially built in the form of a demi-cylinder; and this sanctuary communicated by several doors with the sacristy, the vestry, the baptistery, and the contiguous buildings subservient either to the pomp of worship or the private use of the ecclesiastical ministers. The memory of past calamities inspired Justinian with a wise resolution that no wood, except for the doors, should be admitted into the new edifice; and the choice of the materials was applied to the strength, the lightness, or the splendour of the respective parts. The solid piles which sustained the cupola were composed of huge blocks of freestone, hewn into squares and triangles, fortified by circles of iron, and firmly cemented by the infusion of lead and quick-

ime ; but the weight of the cupola was diminished by the levity of its substance, which consists either of pumice-stone that floats n the water or of bricks from the isle of Rhodes five times less ponderous than the ordinary sort. The whole frame of the edifice was constructed of brick ; but those base materials were concealed by a crust of marble ; and the inside of St. Sophia, he cupola, the two larger and the six smaller semi-domes, the valls, the hundred columns, and the pavement, delight even the yes of Barbarians with a rich and variegated picture. A poet,[105] who beheld the primitive lustre of St. Sophia, enumerates the colours, the shades, and the spots of ten or twelve marbles, aspers, and porphyries, which nature had profusely diversified, nd which were blended and contrasted as it were by a skilful ainter. The triumph of Christ was adorned with the last spoils f Paganism, but the greater part of these costly stones was xtracted from the quarries of Asia Minor, the isles and continent f Greece, Egypt, Africa, and Gaul. Eight columns of porphyry, hich Aurelian had placed in the temple of the sun, were offered y the piety of a Roman matron ; eight others of green marble ere presented by the ambitious zeal of the magistrates of phesus : both are admirable by their size and beauty, but very order of architecture disclaims their fantastic capitals. A variety of ornaments and figures was curiously expressed in nosaic ; and the images of Christ, of the Virgin, of saints, and of ngels, which have been defaced by Turkish fanaticism, were angerously exposed to the superstition of the Greeks. According o the sanctity of each object, the precious metals were distri- uted in thin leaves or in solid masses. The balustrade of the hoir, the capitals of the pillars, the ornaments of the doors and alleries, were of gilt bronze ; the spectator was dazzled by the littering aspect of the cupola ; the sanctuary contained forty housand pounds weight of silver ; and the holy vases and vest- ents of the altar were of the purest gold, enriched with nestimable gems. Before the structure of the church had isen two cubits above the ground, forty-five thousand two

Marbles

Riches

[105] Paul Silentiarius, in dark and poetic language, describes the various stones nd marbles that were employed in the edifice of St. Sophia (P. ii. p. 129, 133, &c. c.) : 1. The *Carystian*—pale, with iron veins. 2. The *Phrygian*—of two sorts, oth of a rosy hue; the one with a white shade, the other purple, with silver owers. 3. The *Porphyry of Egypt*—with small stars. 4. The *green marble of aconia*. 5. The *Carian*—from Mount Iassis, with oblique veins, white and red. The *Lydian*—pale, with a red flower. 7. The *African*, or *Mauritanian*—of a old or saffron hue. 8. The *Celtic*—black with white veins. 9. The *Bosphoric*— hite, with black edges. Besides the *Proconnesian*, which formed the pavement ; he *Thessalian*, *Molossian*, &c. which are less distinctly painted.

hundred pounds were already consumed; and the whole expense amounted to three hundred and twenty thousand: each reader, according to the measure of his belief, may estimate their value either in gold or silver; but the sum of one million sterling is the result of the lowest computation. A magnificent temple is a laudable monument of national taste and religion, and the enthusiast who entered the dome of St. Sophia might be tempted to suppose that it was the residence, or even the workmanship, of the Deity. Yet how dull is the artifice, how insignificant is the labour, if it be compared with the formation of the vilest insect that crawls upon the surface of the temple!

Churches and palaces

So minute a description of an edifice which time has respected may attest the truth, and excuse the relation, of the innumerable works, both in the capital and provinces, which Justinian constructed on a smaller scale and less durable foundations.[106] In Constantinople alone, and the adjacent suburbs, he dedicated twenty-five churches to the honour of Christ, the Virgin, and the saints: most of these churches were decorated with marble and gold; and their various situation was skilfully chosen in a populous square or a pleasant grove, on the margin of the sea-shore or on some lofty eminence which overlooked the continents of Europe and Asia. The church of the Holy Apostles at Constantinople and that of St. John at Ephesus appear to have been framed on the same model: their domes aspired to imitate the cupolas of St. Sophia; but the altar was more judiciously placed under the centre of the dome, at the junction of four stately porticoes, which more accurately expressed the figure of the Greek cross. The Virgin of Jerusalem might exult in the temple erected by her Imperial votary on a most ungrateful spot, which afforded neither ground nor materials to the architect. A level was formed, by raising part of a deep valley to the height of the mountain. The stones of a neighbouring quarry were hewn into regular forms; each block was fixed on a peculiar carriage drawn by forty of the strongest oxen; and the roads were widened for the passage of such enormous weights. Lebanon furnished her loftiest cedars for the timbers of the church; and the seasonable discovery of a vein of red marble supplied its beautiful columns, two of which, the supporters of the exterior portico,

[106] The six books of the Edifices of Procopius are thus distributed: the *first* is confined to Constantinople; the *second* includes Mesopotamia and Syria; the *third*, Armenia and the Euxine; the *fourth*, Europe; the *fifth*, Asia Minor and Palestine; the *sixth*, Egypt and Africa. Italy is forgot by the emperor or the historian, who published this work of adulation before the date (A.D. 555) of its final conquest. [It was not published before A.D. 560. Cp. Appendix 1.]

re esteemed the largest in the world. The pious munificence the emperor was diffused over the Holy Land; and, if reason ould condemn the monasteries of both sexes which were built restored by Justinian, yet charity must applaud the wells ich he sunk, and the hospitals which he founded, for the re- f of the weary pilgrims. The schismatical temper of Egypt s ill-entitled to the royal bounty; but in Syria and Africa ne remedies were applied to the disasters of wars and earth- akes, and both Carthage and Antioch, emerging from their ns, might revere the name of their gracious benefactor.[107] most every saint in the calendar acquired the honours of a mple; almost every city of the empire obtained the solid vantages of bridges, hospitals, and aqueducts; but the severe erality of the monarch disdained to indulge his subjects in the oular luxury of baths and theatres. While Justinian laboured the public service, he was not unmindful of his own dignity d ease. The Byzantine palace, which had been damaged by conflagration, was restored with new magnificence; and some ion may be conceived of the whole edifice by the vestibule hall, which, from the doors perhaps or the roof, was surnamed *lce*, or the brazen. The dome of a spacious quadrangle was ported by massy pillars; the pavement and walls were en- sted with many-coloured marbles—the emerald green of conia, the fiery red, and the white Phrygian stone intersected h veins of a sea-green hue: the mosaic paintings of the ne and sides represented the glories of the African and lian triumphs. On the Asiatic shore of the Propontis, at mall distance to the east of Chalcedon, the costly palace and dens of Heræum[108] were prepared for the summer residence Justinian, and more especially of Theodora. The poets of age have celebrated the rare alliance of nature and art, the mony of the nymphs of the groves, the fountains, and the ves; yet the crowd of attendants who followed the court mplained of their inconvenient lodgings,[109] and the nymphs re too often alarmed by the famous Porphyrio, a whale of ten its in breadth and thirty in length, who was stranded at

[107] Justinian once gave forty-five centenaries of gold (180,000l.) for the repairs of och after the earthquake (John Malala, tom. ii. p. 146-149 [p. 422 *sqq.*]).

[108] For the Heræum, the palace of Theodora, see Gyllius (de Bosphoro Thracio, c. xi.), Aleman. (Not. ad Anecdot. p. 80, 81, who quotes several epigrams of Anthology), and Ducange (C. P. Christ. l. iv. c. 13, p. 175, 176).

[109] Compare, in the Edifices (l. i. c. 11) and in the Anecdotes (c. 8, 15), the differ- styles of adulation and malevolence: stript of the paint, or cleansed from the the object appears to be the same.

the mouth of the river Sangarius, after he had infested mor than half a century the seas of Constantinople.[110]

Fortifications of Europe

The fortifications of Europe and Asia were multiplied by Jus tinian; but the repetition of those timid and fruitless precautior exposes to a philosophic eye the debility of the empire.[111] Fro Belgrade to the Euxine, from the conflux of the Save to th mouth of the Danube, a chain of above fourscore fortified place was extended along the banks of the great river. Single watch towers were changed into spacious citadels; vacant walls, whic the engineers contracted or enlarged according to the nature the ground, were filled with colonies or garrisons; a strong fo tress defended the ruins of Trajan's bridge,[112] and several militar stations affected to spread beyond the Danube the pride of th Roman name. But that name was divested of its terrors; th Barbarians, in their annual inroads, passed, and contemptuous repassed, before these useless bulwarks; and the inhabitants the frontier, instead of reposing under the shadow of the gener defence, were compelled to guard, with incessant vigilance, the separate habitations. The solitude of ancient cities was r plenished; the new foundations of Justinian acquired, perha too hastily ,the epithets of impregnable and populous; and th auspicious place of his own nativity attracted the gratef reverence of the vainest of princes. Under the name of *Ju tiniana prima,* the obscure village of Tauresium became the se of an archbishop and a præfect, whose jurisdiction extended ov seven warlike provinces of Illyricum;[113] and the corrupt appe

[110] Procopius, l. viii. [*leg.* vii.] 29; most probably a stranger and wanderer, as t Mediterranean does not breed whales. Balænæ quoque in nostra maria penetra (Plin. Hist. Natur. ix. 2). Between the polar circle and the tropic, the cetacee animals of the ocean grow to the length of 50, 80, or 100 feet (Hist. des Voyag tom. xv. p. 289. Pennant's British Zoology, vol. iii. p. 35).

[111] Montesquieu observes (tom. iii. p. 503, Considérations sur la Grandeur et Décadence des Romains, c. xx.) that Justinian's empire was like France in time of the Norman inroads—never so weak as when every village was fortifi [The author does scant justice to the fortifications of Justinian's time. The b study on the admirable "Byzantine system of defence" (with plans) will be fou in Diehl's *L'Afrique byzantine*, p. 138-225.]

[112] Procopius affirms (l. iv. c. 6) that the Danube was stopped by the ruins the bridge. Had Apollodorus the architect left a description of his own work, fabulous wonders of Dion Cassius (l. lxviii. p. 1129 [c. 13]) would have been correc by the genuine picture. Trajan's bridge consisted of twenty or twenty-two stone p with wooden arches; the river is shallow, the current gentle, and the whole in val no more than 443 (Reimar ad Dion., from Marsigli) or 515 *toises* (d'Anv Géographie Ancienne, tom. i. p. 305).

[113] Of the two Dacias, *Mediterranea* and *Ripensis*, Dardania, Prævalitana, second Mœsia, and the second Macedonia [and, 7th, part of the Second Pannon See Justinian (Novell. xi. [xix. ed. Zach.]), who speaks of his castles beyond Danube, and of homines semper bellicis sudoribus inhærentes.

ation of *Giustendil* still indicates, about twenty miles to the outh of Sophia, the residence of a Turkish sanjak.[114] For the ise of the emperor's countrymen, a cathedral, a palace, and an queduct were speedily constructed; the public and private difices were adapted to the greatness of a royal city; and the trength of the walls resisted, during the life-time of Justinian, he unskilful assaults of the Huns and Sclavonians. Their pro-ress was sometimes retarded, and their hopes of rapine were lisappointed, by the innumerable castles, which, in the pro-inces of Dacia, Epirus, Thessaly, Macedonia, and Thrace, ppeared to cover the whole face of the country. Six hundred f these forts were built or repaired by the emperor; but it eems reasonable to believe that the far greater part consisted nly of a stone or brick tower, in the midst of a square or cir-ular area, which was surrounded by a wall and ditch, and fforded in a moment of danger some protection to the peasants nd cattle of the neighbouring villages.[115] Yet these military vorks, which exhausted the public treasure, could not remove he just apprehensions of Justinian and his European subjects. The warm baths of Anchialus in Thrace were rendered as safe s they were salutary; but the rich pastures of Thessalonica were praged by the Scythian cavalry; the delicious vale of Tempe, hree hundred miles from the Danube, was continually alarmed

[114] See d'Anville (Mémoires de l'Académie, &c. tom. xxxi. p. 289, 290), Rycaut Present state of the Turkish Empire, p. 97, 316), Marsigli (Stato Militare del mperio Ottomano, p. 130). The Sanjak of Giustendil is one of the twenty under he beglerbeg of Rumelia, and his district maintains 48 *zaims* and 588 *timariots*. This identification is due to a false etymology. Küstendil corresponds to the ncient Pautalia, and derived this name from a mediæval despot, Constantine (of hich Küstendil is the Turkish form). Justiniana Prima, the birthplace of Jus-nian, is the ancient Scupi, the modern Üsküp. This has been completely de-onstrated by Mr. A. J. Evans, Antiquarian Researches in Illyricum, part 4, p. 34 *sqq.* Tauresium and Bederiane (see above, p. 205) are probably to be found (as on Hahn suggested) in the villages of Taor and Bader. Mr. Evans points out . 82) that "the site of Scupi lies at the crossing-point of great natural routes cross the western part of the Illyrian Peninsula. To those approaching the Aegean ort [Thessalonica] from the middle Danube it occupied a position almost pre-sely analogous to that held by Serdica on the military road to Constantinople." is on the river Vardar (Axius) which connects it with Stobi and Thessalonica. A direct line of Roman way through the pass of Kačanik brought Scupi into eculiarly intimate relations with the Dardanian sister-town of Ulpiana." To Ulpiana ustinian gave the new name of Justiniana Secunda, and in its neighbourhood he uilt a city, Justinopolis, in honour of his uncle. This Dardanian foundation onfirms the Dardanian origin of Justinian's family. Compare John Mal. apud Iomms., Hermes, 6, 339, Ἰουστῖνος ἐκ Βεδεριανοῦ φρουρίου πλησιάζοντος Ναίσσῳ, here the "proximity to Naissus" cannot be pressed.]

[115] These fortifications may be compared to the castles in Mingrelia (Chardin, oyages en Perse, tom. i. p. 60, 131)—a natural picture.

by the sound of war;[116] and no unfortified spot, however distant or solitary, could securely enjoy the blessings of peace. The straits of Thermopylæ, which seemed to protect, but which had so often betrayed, the safety of Greece, were diligently strengthened by the labours of Justinian. From the edge of the sea-shore, through the forests and valleys, and as far as the summit of the Thessalian mountains, a strong wall was continued, which occupied every practicable entrance. Instead of an hasty crowd of peasants, a garrison of two thousand soldiers was stationed along the rampart; granaries of corn and reservoirs of water were provided for their use; and, by a precaution that inspired the cowardice which it foresaw, convenient fortresses were erected for their retreat. The walls of Corinth, overthrown by an earthquake, and the mouldering bulwarks of Athens and Platæa, were carefully restored; the Barbarians were discouraged by the prospect of successive and painful sieges; and the naked cities of Peloponnesus were covered by the fortifications of the isthmus of Corinth. At the extremity of Europe, another peninsula, the Thracian Chersonesus, runs three days' journey into the sea, to form, with the adjacent shores of Asia, the straits of the Hellespont. The intervals between eleven populous towns were filled by lofty woods, fair pastures, and arable lands; and the isthmus, of thirty-seven stadia or furlongs, had been fortified by a Spartan general nine hundred years before the reign of Justinian.[117] In an age of freedom and valour, the slightest rampart may prevent a surprise; and Procopius appears insensible of the superiority of ancient times, while he praises the solid construction and double parapet of a wall whose long arms stretched on either side into the sea; but whose strength was deemed insufficient to guard the Chersonesus, if each city and particularly Gallipoli and Sestus, had not been secured by their peculiar fortifications. The *long* wall, as it was emphatically styled, was a work as disgraceful in the object, as it was respectable in the execution. The riches of a capital diffused themselves over the neighbouring country, and the territory of Constantinople, a paradise of nature, was adorned with the luxurious gardens and villas of the senators and opulent citizens.

[116] The valley of Tempe is situate along the river Peneus, between the hills of Ossa and Olympus: it is only five miles long, and in some places no more than 120 feet in breadth. Its verdant beauties are elegantly described by Pliny (Hist. Natur. l. iv. 15), and more diffusely by Ælian (Hist. Var. l. iii. c. 1).

[117] Xenophon, Hellenic. l. iii. c. 2. After a long and tedious conversation with the Byzantine declaimers, how refreshing is the truth, the simplicity, the elegance of an Attic writer!

But their wealth served only to attract the bold and rapacious Barbarians; the noblest of the Romans, in the bosom of peaceful ndolence, were led away into Scythian captivity, and their sovereign might view from his palace the hostile flames which were insolently spread to the gates of the Imperial city. At the distance only of forty miles Anastasius was constrained to establish a last frontier; his long wall, of sixty miles from the Propontis to the Euxine, proclaimed the impotence of his arms; and, as the danger became more imminent, new fortifications were added by the indefatigable prudence of Justinian.[118]

Security of Asia, after the conquest of Isauria

Asia Minor, after the submission of the Isaurians,[119] remained without enemies and without fortifications. Those bold savages, who had disdained to be the subjects of Gallienus, persisted two hundred and thirty years in a life of independence and rapine. The most successful princes respected the strength of the mountains and the despair of the natives; their fierce spirit was sometimes soothed with gifts, and sometimes restrained by terror; and a military count, with three legions, fixed his permanent and ignominious station in the heart of the Roman provinces.[120] But no sooner was the vigilance of power relaxed or diverted, than the light-armed squadrons descended from the hills and invaded the peaceful plenty of Asia. Although the Isaurians were not remarkable for stature or bravery, want rendered them bold, and experience made them skilful, in the exercise of predatory war. They advanced with secrecy and speed to the attack of villages and defenceless towns; their flying parties have sometimes touched the Hellespont, the Euxine, and the gates of Tarsus, Antioch, or Damascus;[121] and the spoil was lodged in their inaccessible mountains, before the Roman troops had received their orders, or the distant province had computed its loss. The guilt of rebellion and robbery excluded them from the rights of national enemies; and the magistrates were instructed by an edict, that the trial or punishment of an Isaurian, even on the

[118] See the long wall in Evagrius (l. iv. c. 38). This whole article is drawn from the fourth book of the Edifices, except Anchialus (l. iii. c. 7).

[119] Turn back to vol. i. p. 280. In the course of this history, I have sometimes mentioned, and much oftener slighted, the hasty inroads of the Isaurians, which were not attended with any consequences.

[120] Trebellius Pollio in Hist. August. p. 107 [xxiv. c. 26], who lived under Diocletian, or Constantine. See likewise Pancirolus ad Notit. Imp. Orient. c. 115, 141. See Cod. Theodos. l. ix. tit. 35, leg. 37, with a copious collective Annotation of Godefroy, tom. iii. p. 256, 257.

[121] See the full and wide extent of their inroads in Philostorgius (Hist. Eccles. l. xi. c. 8), with Godefroy's learned Dissertations.

festival of Easter, was a meritorious act of justice and piety.[122] If the captives were condemned to domestic slavery, they maintained, with their sword or dagger, the private quarrel of their masters; and it was found expedient for the public tranquillity to prohibit the service of such dangerous retainers. When their countryman Tarcalissæus or Zeno ascended the throne, he invited a faithful and formidable band of Isaurians, who insulted the court and city, and were rewarded by an annual tribute of five thousand pounds of gold. But the hopes of fortune depopulated the mountains, luxury enervated the hardiness of their minds and bodies, and, in proportion as they mixed with mankind, they became less qualified for the enjoyment of poor and solitary freedom. After the death of Zeno, his successor Anastasius suppressed their pensions, exposed their persons to the revenge of the people, banished them from Constantinople, and prepared to sustain a war, which left only the alternative of victory or servitude. A brother of the last emperor usurped the title of Augustus, his cause was powerfully supported by the arms, the treasures, and the magazines, collected by Zeno; and the native Isaurians must have formed the smallest portion of the hundred and fifty thousand Barbarians under his standard, which was sanctified, for the first time, by the presence of a fighting bishop.

[Battle of Cotyæum. A.D. 492]

Their disorderly numbers were vanquished in the plains of Phrygia by the valour and discipline of the Goths; but a war of six years almost exhausted the courage of the emperor.[123] The

A.D. 492-498

Isaurians retired to their mountains; their fortresses were successively besieged and ruined; their communication with the sea was intercepted; the bravest of their leaders died in arms; the surviving chiefs, before their execution, were dragged in chains through the hippodrome; a colony of their youth was transplanted into Thrace, and the remnant of the people submitted to the Roman government. Yet some generations elapsed

[122] Cod. Justinian. l. ix. tit. 12, leg. 10. The punishments are severe—a fine of an hundred pounds of gold, degradation, and even death. The public peace might afford a pretence, but Zeno was desirous of monopolizing the valour and service of the Isaurians.

[123] The Isaurian war and the triumph of Anastasius are briefly and darkly represented by John Malala (tom. ii. p. 106, 107 [and some of the Escurial frags. published by Mommsen, Hermes, vi. p. 371]), Evagrius (l. iii. c. 35 [whose account is taken from Eustathius of Epiphania]), Theophanes (p. 118-120), and the Chronicle of Marcellinus. [Also: Josua Stylites (who is however mainly valuable for the Isaurians under Zeno); John of Antioch, frags. ap. Müller, vols. iv. and v; Theodorus Lector. The notices of Theophanes are derived from Malalas. The best and fullest account of the Isaurian episode under Leo, Zeno, and Anastasius, is given by Mr. E. W. Brooks, in Eng. Histor. Review, 1893, p. 209 *sqq.*]

before their minds were reduced to the level of slavery. The populous villages of Mount Taurus were filled with horsemen and archers; they resisted the imposition of tributes, but they recruited the armies of Justinian; and his civil magistrates, the proconsul of Cappadocia, the count of Isauria, and the prætors of Lycaonia and Pisidia, were invested with military power to restrain the licentious practice of rapes and assassinations.[124]

Fortifications of the empire from the Euxine to the Persian frontier

If we extend our view from the tropic to the mouth of the Tanais, we may observe, on one hand, the precautions of Justinian to curb the savages of Æthiopia,[125] and, on the other, the long walls which he constructed in Crimea for the protection of his friendly Goths, a colony of three thousand shepherds and warriors.[126] From that peninsula to Trebizond, the eastern curve of the Euxine was secured by forts, by alliance, or by religion; and the possession of *Lazica*, the Colchos of ancient, the Mingrelia of modern, geography, soon became the object of an important war. Trebizond, in after-times the seat of a romantic empire, was indebted to the liberality of Justinian for a church, an aqueduct, and a castle, whose ditches are hewn in the solid rock. From that maritime city, a frontier-line of five hundred miles may be drawn to the fortress of Circesium, the last Roman station on the Euphrates.[127] Above Trebizond immediately, and five days' journey to the south, the country rises into dark forests and craggy mountains, as savage though not so lofty as the Alps and the Pyrenees. In this rigorous climate,[128] where the snows seldom melt, the fruits are tardy and

[124] Fortes ea regio (says Justinian) viros habet, nec in ullo differt ab Isauriâ, though Procopius (Persic. l. i. c. 18) marks an essential difference between their military character; yet in former times the Lycaonians and Pisidians had defended their liberty against the great king (Xenophon, Anabasis, l. iii. c. 2). Justinian introduces some false and ridiculous erudition of the ancient empire of the Pisidians, and of Lycaon, who, after visiting Rome (long before Æneas), gave a name and people to Lycaonia (Novell. 24, 25, 27, 30, [23, 24, 26, 44, ed. Zachariä]).

[125] See Procopius, Persic. l. i. c. 19. The altar of national concord, of annual sacrifice and oaths, which Diocletian had erected in the isle of Elephantine, was demolished by Justinian with less policy than zeal.

[126] Procopius de Aedificiis, l. iii. c. 7. Hist. l. viii. c. 3, 4. These unambitious Goths had refused to follow the standard of Theodoric. As late as the xvth and xvith century, the name and nation might be discovered between Caffa and the straits of Azov (d'Anville, Mémoires de l'Académie, tom. xxx. p. 240). They well deserved the curiosity of Busbequius (p. 321-326), but seem to have vanished in the more recent account of the Missions du Levant (tom. i.), Tott, Peyssonel, &c.

[127] For the geography and architecture of this Armenian border, see the Persian Wars and Edifices (l. ii. c. 4-7; l. iii. c. 2-7) of Procopius.

[128] The country is described by Tournefort (Voyage au Levant, tom. iii. lettre xvii. xviii.). That skilful botanist soon discovered the plant that infects the honey

tasteless, even honey is poisonous; the most industrious tillag would be confined to some pleasant valleys; and the pastora tribes obtained a scanty sustenance from the flesh and milk c their cattle. The *Chalybians*[129] derived their name and tempe from the iron quality of the soil; and, since the days of Cyru they might produce, under the various appellations of Chaldæan [Tzani] and Zanians, an uninterrupted prescription of war and rapin Under the reign of Justinian, they acknowledged the God an the emperor of the Romans, and seven fortresses were built in th most accessible passes, to exclude the ambition of the Persia monarch.[130] The principal source of the Euphrates descend from the Chalybian mountains, and seems to flow towards th west and the Euxine; bending to the south-west, the river passe under the walls of Satala and Melitene (which were restored b Justinian as the bulwarks of the lesser Armenia), and graduall approaches the Mediterranean sea; till at length, repelled b Mount Taurus,[131] the Euphrates inclines his long and flexib course to the south-east and the gulf of Persia. Among th Roman cities beyond the Euphrates, we distinguish two recen foundations, which were named from Theodosius and the reli of the Martyrs; and two capitals, Amida and Edessa, which a celebrated in the history of every age. Their strength was pr portioned by Justinian to the danger of their situation. A dit and palisade might be sufficient to resist the artless force of th cavalry of Scythia; but more elaborate works were required sustain a regular siege against the arms and treasures of the gre king. His skilful engineers understood the methods of co

(Plin. xxi. 44, 45); he observes that the soldiers of Lucullus might indeed astonished at the cold, since, even in the plain of Erzerum, snow sometimes fa in June and the harvest is seldom finished before September. The hills Armenia are below the fortieth degree of latitude; but in the mountainous coun which I inhabit, it is well known that an ascent of some hours carries the travel from the climate of Languedoc to that of Norway, and a general theory has be introduced that under the line an elevation of 2400 *toises* is equivalent to the c of the polar circle (Remond, Observations sur les Voyages de Coxe dans la Suis tom. ii. p. 104).

[129] The identity or proximity of the Chalybians, or Chaldæans, may investigated in Strabo (l. xii. p. 825, 826 [c. 3, § 19 *sqq.*]), Cellarius (Geogra Antiq. tom. ii. p. 202-204), and Fréret (Mém. de l'Académie, tom. iv. p. 59 Xenophon supposes, in his romance (Cyropæd. l. iii. [c. 3]), the same Barba ans against whom he had fought in his retreat (Anabasis, l. iv. [c. 2]).

[130] Procopius, Persic. l. i. c. 15. De Ædific. l. iii. c. 6.

[131] Ni Taurus obstet in nostra maria venturus (Pomponius Mela, iii. 8). Pli a poet as well as a naturalist (v. 20), personifies the river and mountain, a describes their combat. See the course of the Tigris and Euphrates, in the excell treatise of d'Anville.

ducting deep mines, and of raising platforms to the level of the rampart; he shook the strongest battlements with his military engines, and sometimes advanced to the assault with a line of moveable turrets on the backs of elephants. In the great cities of the East, the disadvantage of space, perhaps of position, was compensated by the zeal of the people, who seconded the garrison in the defence of their country and religion; and the fabulous promise of the Son of God, that Edessa should never be taken, filled the citizens with valiant confidence, and chilled the besiegers with doubt and dismay.[132] The subordinate towns of Armenia and Mesopotamia were diligently strengthened, and the posts which appeared to have any command of ground or water were occupied by numerous forts, substantially built of stone, or more hastily erected with the obvious materials of earth and brick. The eye of Justinian investigated every spot; and his cruel precautions might attract the war into some lonely vale, whose peaceful natives, connected by trade and marriage, were ignorant of national discord and the quarrels of princes. Westward of the Euphrates, a sandy desert extends above six hundred miles to the Red Sea. Nature had interposed a vacant solitude between the ambition of two rival empires; the Arabians, till Mahomet arose, were formidable only as robbers; and, in the proud security of peace, the fortifications of Syria were neglected on the most vulnerable side.

Death of Perozes, king of Persia. A.D. 488

But the national enmity, at least the effects of that enmity, had been suspended by a truce, which continued above four-score years. An ambassador from the emperor Zeno accompanied the rash and unfortunate Perozes, in his expedition against the Nepthalites or white Huns, whose conquests had been stretched from the Caspian to the heart of India, whose throne was enriched with emeralds,[133] and whose cavalry was supported by

[132] Procopius (Persic. l. ii. c. 12) tells the story with a tone half sceptical, half superstitious, of Herodotus. The promise was not in the primitive lie of Eusebius, but dates at least from the year 400; and a third lie, the *Veronica*, was soon raised on the two former (Evagrius, l. iv. c. 27). As Edessa *has* been taken, Tillemont *must* disclaim the promise (Mém. Ecclés. tom. i. p. 362, 383, 617).

[133] They were purchased from the merchants of Adulis who traded to India (Cosmas, Topograph. Christ. l. xi. p. 339); yet, in the estimate of precious stones, the Scythian emerald was the first, the Bactrian the second, the Æthiopian only the third (Hill's Theophrastus, p. 61, &c. 92). The production, mines, &c. of emeralds, are involved in darkness; and it is doubtful whether we possess any of the twelve sorts known to the ancients (Goguet, Origine des Loix, &c. part ii. l. ii. 2, art. 3). In this war the Huns got, or at least Perozes lost, the finest pearl in the world, of which Procopius relates a ridiculous fable.

a line of two thousand elephants.[134] The Persians were twic
circumvented, in a situation which made valour useless an
flight impossible; and the double victory of the Huns wa
achieved by military stratagem. They dismissed their roya
captive after he had submitted to adore the majesty of
Barbarian; and the humiliation was poorly evaded by th
casuistical subtilty of the Magi, who instructed Perozes to direc
his attention to the rising sun. The indignant successor c
Cyrus forgot his danger and his gratitude: he renewed th
attack with headstrong fury, and lost both his army and hi
[A.D. 448] life.[135] The death of Perozes abandoned Persia to her foreig
and domestic enemies; and twelve years of confusion elapse
before his son Cabades or Kobad could embrace any designs c
The Persian war. A.D. 502-506 ambition or revenge. The unkind parsimony of Anastasius wa
the motive or pretence of a Roman war;[136] the Huns and Arab
marched under the Persian standard; and the fortifications c
Armenia and Mesopotamia were at that time in a ruinous c
imperfect condition. The emperor returned his thanks to th
governor and people of Martyropolis for the prompt surrende
of a city which could not be successfully defended, and the con
flagration of Theodosiopolis might justify the conduct of the
[Aug., A.D. 502] prudent neighbours. Amida sustained a long and destructiv
siege: at the end of three months the loss of fifty thousand c

[134] The Indo-Scythæ continued to reign from the time of Augustus (Diony
Perieget. 1088, with the Commentary of Eustathius, in Hudson, Geograph. Mino
tom. iv.) to that of the elder Justin (Cosmas, Topograph. Christ. l. xi. p. 338, 339
On their origin and conquests, see d'Anville (sur l'Inde, p. 18, 45, &c. 69, 85, 89
In the second century they were masters of Larice or Guzerat.

[135] See the fate of Phirouz or Perozes, and its consequences, in Procopi
(Persic. l. i. c. 3-6), who may be compared with the fragments of Oriental histo
(d'Herbelot, Bibliot. Orient. p. 351, and Texeria, History of Persia, translated
abridged by Stevens, l. i. c. 32, p. 132-138). The chronology is ably ascertaine
by Asseman (Bibliot. Orient. tom. iii. p. 396-427). [The death of Perozes occurre
soon after the total eclipse of the sun on Jan. 14, 484. His successor Balâ
reigned to 488; and Cobad's first year was counted from July 22, 488. See Nöldek
Gesch. der Perser, &c. p. 425-7.]

[136] The Persian war, under the reigns of Anastasius and Justin, may be collecte
from Procopius (Persic. l. i. c. 7, 8, 9), Theophanes (in Chronograph. p. 124-127
Evagrius (l. iii. c. 37), Marcellinus (in Chron. p. 47), and Josua Stylites api
Asseman. (tom. i. p. 272-281). [Josua Stylites (ed. Wright, see App. 1) describe
with considerable detail, the two sieges of Amida, (1) by the Persians (Oct. 502-Ja
503), and (2) by the Romans, under "Patricius" and Hypatius (503), and the siege
Edessa (504-5). He relates a defeat sustained by Patricius at Opadnâ (=al-Fudai
acc. to Nöldeke, on the river Chaboras) in A.D. 503; and an unsuccessful attem
of Cobad to take Constantina. The Continuator of Zacharias of Mytilene gives
account of the war and also describes at length the first siege of Amida. The accou
in Evagrius is taken from Eustathius of Epiphania. On the character of Coba
cp. Nöldeke (Gesch. der Perser, &c. p. 143), who concludes that he was energe
and able.]

he soldiers of Cabades was not balanced by any prospect of uccess, and it was in vain that the Magi deduced a flattering rediction from the indecency of the women on the ramparts, vho had revealed their most secret charms to the eyes of the ssailants. At length, in a silent night, they ascended the most [Jan., A.D. 503] ccessible tower, which was guarded only by some monks, ppressed, after the duties of a festival, with sleep and wine. caling-ladders were applied at the dawn of day; the presence f Cabades, his stern command, and his drawn sword, compelled he Persians to vanquish; and, before it was sheathed, fourscore housand of the inhabitants had expiated the blood of their ompanions. After the siege of Amida, the war continued hree years, and the unhappy frontier tasted the full measure f its calamities. The gold of Anastasius was offered too late; he number of his troops was defeated by the number of their enerals; the country was stripped of its inhabitants; and both he living and the dead were abandoned to the wild beasts of he desert. The resistance of Edessa, and the deficiency of [Siege of Edessa. A.D. 504-5] poil, inclined the mind of Cabades to peace; he sold his con- quests for an exorbitant price; and the same line, though narked with slaughter and devastation, still separated the two mpires. To avert the repetition of the same evils, Anastasius esolved to form a new colony, so strong that it should defy he power of the Persian, so far advanced towards Assyria that ts stationary troops might defend the province by the menace r operation of offensive war. For this purpose, the town of Fortifications of Dara Dara,[137] fourteen miles from Nisibis, and four days' journey from he Tigris, was peopled and adorned; the hasty works of Anastasius were improved by the perseverance of Justinian; and, vithout insisting on places less important, the fortifications of Dara may represent the military architecture of the age. The ity was surrounded with two walls, and the interval between hem, of fifty paces, afforded a retreat to the cattle of the esieged. The inner wall was a monument of strength and eauty: it measured sixty feet from the ground, and the height f the towers was one hundred feet; the loop-holes, from whence n enemy might be annoyed with missile weapons, were small, ut numerous; the soldiers were planted along the rampart,

[137] The description of Dara is amply and correctly given by Procopius (Persic. l. c. 10; l. ii. c. 13. De Ædific. l. ii. c. 1, 2, 3; l. iii. c. 5). See the situation in 'Anville (l'Euphrate et le Tigre, p. 53, 54, 55), though he seems to double the nterval between Dara and Nisibis. [For the founding of Dara see Contin. of acharias Myt., c. 11 (ap. Mai, Scr. Vet. Coll., vol. x.).]

under the shelter of double galleries; and a third platform spacious and secure, was raised on the summit of the towers The exterior wall appears to have been less lofty, but more solid and each tower was protected by a quadrangular bulwark. A hard rocky soil resisted the tools of the miners, and on th south-east, where the ground was more tractable, their approac was retarded by a new work, which advanced in the shape of a half-moon. The double and treble ditches were filled with stream of water; and in the management of the river the mos skilful labour was employed to supply the inhabitants, to distres the besiegers, and to prevent the mischiefs of a natural or art ficial inundation. Dara continued more than sixty years to fulf the wishes of its founders, and to provoke the jealousy of th Persians, who incessantly complained that this impregnabl fortress had been constructed in manifest violation of the treat of peace between the two empires.

The Caspian or Iberian gates

Between the Euxine and the Caspian, the countries of Colcho Iberia, and Albania are intersected in every direction by th branches of Mount Caucasus; and the two principal *gates* passes from north to south have been frequently confounded i the geography both of the ancients and moderns. The name *Caspian* or *Albanian* gates is properly applied to Derbend,[1] which occupies a short declivity between the mountains and th sea; the city, if we give credit to local tradition, had bee founded by the Greeks; and this dangerous entrance was fortifie by the kings of Persia with a mole, double walls, and doors iron. The *Iberian* gates[139] are formed by a narrow passage six miles in Mount Caucasus, which opens from the northern sid of Iberia or Georgia into the plain that reaches to the Tana and the Volga. A fortress, designed by Alexander, perhaps, one of his successors, to command that important pass, ha descended by right of conquest or inheritance to a prince of th Huns, who offered it for a moderate price to the emperor; bu while Anastasius paused, while he timorously computed the co and the distance, a more vigilant rival interposed, and Cabad

[138] For the city and pass of Derbend, see d'Herbelot (Bibliot. Orient. p. 157, 2 807), Petit de la Croix (Hist. de Gengiscan, l. iv. c. 9), Histoire Généalogique Tatars (tom. i. p. 120), Olearius (Voyage en Perse, p. 1039-1041), and Corneille Bruyn (Voyages, tom. i. p. 146, 147): his view may be compared with the plan Olearius, who judges the wall to be of shells and gravel hardened by time. [Ritter, Erdkunde, p. 261.]

[139] Procopius, though with some confusion, always denominates them Caspi (Persic. l. i. c. 10). The pass is now styled Tatartopa, the Tartar-gates (d'Anvi Géographie Ancienne, tom. ii. p. 119, 120). [In B. G. iv. 3, Procopius dist guishes the pass of Τζούρ (Armen. *Cor*) from the "Caspian Gates".]

orcibly occupied the straits of Caucasus. The Albanian and berian gates excluded the horsemen of Scythia from the shortest nd most practicable roads, and the whole front of the mountains vas covered by the rampart of Gog and Magog, the long wall vhich has excited the curiosity of an Arabian caliph[140] and a Russian conqueror.[141] According to a recent description, huge tones seven feet thick, twenty-one feet in length or height, are rtificially joined without iron or cement, to compose a wall vhich runs above three hundred miles from the shores of Derend, over the hills and through the valleys of Daghestan and Georgia. Without a vision, such a work might be undertaken y the policy of Cabades; without a miracle, it might be accomlished by his son, so formidable to the Romans under the name f Chosroes, so dear to the Orientals under the appellation of Nushirwan. The Persian monarch held in his hand the keys oth of peace and war; but he stipulated, in every treaty, that ustinian should contribute to the expense of a common barrier, vhich equally protected the two empires from the inroads of the cythians.[142]

VII. Justinian suppressed the schools of Athens and the onsulship of Rome, which had given so many sages and heroes o mankind. Both these institutions had long since degenerated rom their primitive glory; yet some reproach may be justly nflicted on the avarice and jealousy of a prince by whose hands uch venerable ruins were destroyed.

The schools of Athens

Athens, after her Persian triumphs, adopted the philosophy f Ionia and the rhetoric of Sicily; and these studies became ne patrimony of a city whose inhabitants, about thirty thousand ales, condensed, within the period of a single life, the genius f ages and millions. Our sense of the dignity of human nature exalted by the simple recollection that Isocrates[143] was the

[140] The imaginary rampart of Gog and Magog, which was seriously explored d believed by a caliph of the ixth century, appears to be derived from the gates Mount Caucasus, and a vague report of the wall of China (Geograph. Nubiensis, 267-270. Mémoires de l'Académie, tom. xxxi. p. 210-219).

[141] See a learned dissertation of Baier, *de muro Caucaseo*, in Comment. Acad. tropol. ann. 1726, tom. i. p. 425-463; but it is destitute of a map or plan. When e czar Peter I. became master of Derbend in the year 1722, the measure of the ll was found to be 3285 Russian *orgyiæ*, or fathom, each of seven feet English; the whole somewhat more than four miles in length.

[142] See the fortifications and treaties of Chosroes or Nushirwan, in Procopius ersic. l. i. c. 16, 22; l. ii.) and d'Herbelot (p. 682).

[143] The life of Isocrates extends from Olymp. lxxxvi. 1, to cx. 3 (ante Christ. 6-338). See Dionys. Halicarn. tom. ii. p. 149, 150, edit. Hudson; Plutarch (sive onymus), in Vit. X. Oratorum, p. 1538-1543, edit. H. Steph.; Phot. cod. cclix. 1453.

companion of Plato and Xenophon; that he assisted, perhap with the historian Thucydides, at the first representations of th Oedipus of Sophocles and the Iphigenia of Euripides; and tha his pupils Æschines and Demosthenes contended for the crow of patriotism in the presence of Aristotle, the master of Theo phrastus, who taught at Athens with the founders of the Stoi and Epicurean sects.[144] The ingenuous youth of Attica enjoyed the benefits of their domestic education, which was communi cated without envy to the rival cities. Two thousand disciple heard the lessons of Theophrastus;[145] the schools of rhetori must have been still more populous than those of philosophy and a rapid succession of students diffused the fame of thei teachers as far as the utmost limits of the Grecian language an name. Those limits were enlarged by the victories of Alexander the arts of Athens survived her freedom and dominion; and th Greek colonies which the Macedonians planted in Egypt, an scattered over Asia, undertook long and frequent pilgrimage to worship the Muses in their favourite temple on the banks o the Ilissus. The Latin conquerors respectfully listened to th instructions of their subjects and captives; the names of Cicer and Horace were enrolled in the schools of Athens; and, afte the perfect settlement of the Roman empire, the natives of Italy of Africa, and of Britain, conversed in the groves of the academy with their fellow-students of the East. The studies of philo sophy and eloquence are congenial to a popular state, whic encourages the freedom of inquiry and submits only to the forc of persuasion. In the republics of Greece and Rome, the art o speaking was the powerful engine of patriotism or ambition and the schools of rhetoric poured forth a colony of statesme and legislators. When the liberty of public debate was sup pressed, the orator, in the honourable profession of an advocate might plead the cause of innocence and justice; he might abus his talents in the more profitable trade of panegyric; and th same precepts continued to dictate the fanciful declamations o the sophist and the chaster beauties of historical compositio The systems which professed to unfold the nature of God, of ma

[144] The schools of Athens are copiously though concisely represented in the Fo tuna Attica of Meursius (c. viii. p. 59-73 in tom. i. Opp.). For the state and ar of the city, see the first book of Pausanias, and a small tract of Dicæarchus (in th second volume of Hudson's Geographers), who wrote about Olymp. cxvii. (Do well's Dissertat. sect. 4). [For the last age of the schools see a good account Hertzberg, Geschichte Griechenlands, i. p. 71 *sqq.* Paparrigopulos, Ἱστορία τ Ἑλληνικοῦ ἔθνους, 3, p. 202. Gregorovius, Gesch. der Stadt Athen, i. 54.]

[145] Diogen. Laert. de Vit. Philosoph. l. v. segm. 37, p. 289.

nd of the universe, entertained the curiosity of the philosophic tudent; and, according to the temper of his mind, he might loubt with the sceptics or decide with the stoics, sublimely specuate with Plato or severely argue with Aristotle. The pride of he adverse sects had fixed an unattainable term of moral happiess and perfection; but the race was glorious and salutary; he disciples of Zeno, and even those of Epicurus, were taught oth to act and to suffer; and the death of Petronius was not ess effectual than that of Seneca to humble a tyrant by the liscovery of his impotence. The light of science could not inleed be confined within the walls of Athens. Her incomparable vriters address themselves to the human race; the living masters migrated to Italy and Asia; Berytus, in later times, was devoted o the study of the law; astronomy and physic were cultivated n the museum of Alexandria; but the Attic schools of rhetoric nd philosophy maintained their superior reputation from the 'eloponnesian war to the reign of Justinian. Athens, though ituate in a barren soil, possessed a pure air, a free navigation, nd the monuments of ancient art. That sacred retirement was eldom disturbed by the business of trade or government; and he last of the Athenians were distinguished by their lively wit, he purity of their taste and language, their social manners, and ome traces, at least in discourse, of the magnanimity of their athers. In the suburbs of the city, the *academy* of the Platonists, he *lyceum* of the Peripatetics, the *portico* of the Stoics, and the *arden* of the Epicureans, were planted with trees and decorated vith statues; and the philosophers, instead of being immured n a cloister, delivered their instructions in spacious and pleasant valks, which at different hours were consecrated to the exercises f the mind and body. The genius of the founders still lived in hose venerable seats; the ambition of succeeding to the masters f human reason excited a generous emulation; and the merit f the candidates was determined, on each vacancy, by the free oices of an enlightened people. The Athenian professors were aid by their disciples; according to their mutual wants and bilities, the price appears to have varied from a mina to a talent; nd Isocrates himself, who derides the avarice of the sophists, equired in his school of rhetoric about thirty pounds from each f his hundred pupils. The wages of industry are just and onourable, yet the same Isocrates shed tears at the first receipt f a stipend; the Stoic might blush when he was hired to preach he contempt of money; and I should be sorry to discover that ristotle or Plato so far degenerated from the example of

Socrates, as to exchange knowledge for gold. But some property of lands and houses was settled by the permission of the laws, and the legacies of deceased friends, on the philosophic chairs of Athens. Epicurus bequeathed to his disciples the gardens which he had purchased for eighty minæ or two hundred and fifty pounds, with a fund sufficient for their frugal subsistence and monthly festivals;[146] and the patrimony of Plato afforded an annual rent, which, in eight centuries, was gradually increased from three to one thousand pieces of gold.[147] The schools of Athens were protected by the wisest and most virtuous of the Roman princes. The library which Hadrian founded was placed in a portico adorned with pictures, statues, and a roof of alabaster, and supported by one hundred columns of Phrygian marble. The public salaries were assigned by the generous spirit of the Antonines; and each professor, of politics, of rhetoric, of the Platonic, the Peripatetic, the Stoic, and the Epicurean philosophy, received an annual stipend of ten thousand drachmæ, or more than three hundred pounds sterling.[148] After the death of Marcus, these liberal donations, and the privileges attached to the *thrones* of science, were abolished and revived, diminished and enlarged; but some vestige of royal bounty may be found under the successors of Constantine; and their arbitrary choice of an unworthy candidate might tempt the philosophers of Athens to regret the days of independence and poverty.[149] It is remarkable that the impartial favour of the Antonines was bestowed on the four adverse sects of philosophy, which they considered as equally useful, or at least as equally innocent. Socrates had formerly been the glory and the reproach of his country; and the first lessons of Epicurus so strangely scandalized the pious ears of the Athenians that by his exile, and that of his antagonists, they silenced all vain disputes concerning the nature of the gods. But in the ensuing year they recalled the

[146] See the testament of Epicurus in Diogen. Laert. l. x. segm. 16-20, p. 611, 612 [c. 1]. A single epistle (ad Familiares, xiii. 1) displays the injustice of the Areopagus, the fidelity of the Epicureans, the dexterous politeness of Cicero, and the mixture of contempt and esteem with which the Roman senators considered the philosophy and philosophers of Greece.

[147] Damascius, in Vit. Isidor. apud Photium, cod. ccxlii. p. 1054.

[148] See Lucian (in Eunuch. tom. ii. p. 350-359, edit. Reitz), Philostratus (in Vit. Sophist. l. ii. c. 2), and Dion Cassius, or Xiphilin (l. lxxi. p. 1195 [c. 31]), with their editors Du Soul, Olearius, and Reimar, and, above all, Salmasius (ad Hist. August. p. 72). A judicious philosopher (Smith's Wealth of Nations, vol. ii. p. 340-374) prefers the free contributions of the students to a fixed stipend for the professor.

[149] Brucker, Hist. Crit. Philosoph. tom. ii. p. 310, &c.

hasty decree, restored the liberty of the schools, and were convinced, by the experience of ages, that the moral character of philosophers is not affected by the diversity of their theological speculations.[150]

They are suppressed by Justinian

The Gothic arms were less fatal to the schools of Athens than the establishment of a new religion, whose ministers superseded the exercise of reason, resolved every question by an article of faith, and condemned the infidel or sceptic to eternal flames. In many a volume of laborious controversy, they exposed the weakness of the understanding and the corruption of the heart, insulted human nature in the sages of antiquity, and proscribed the spirit of philosophical inquiry, so repugnant to the doctrine, or at least to the temper, of an humble believer. The surviving sect of the Platonists, whom Plato would have blushed to acknowledge, extravagantly mingled a sublime theory with the practice of superstition and magic; and, as they remained alone in the midst of a Christian world, they indulged a secret rancour against the government of the church and state, whose severity was still suspended over their heads. About a century after the reign of Julian,[151] Proclus[152] was permitted to teach in the philosophic chair of the academy, and such was his industry that he frequently, in the same day, pronounced five lessons and composed seven hundred lines. His sagacious mind explored the deepest questions of morals and metaphysics, and he ventured to urge eighteen arguments against the Christian doctrine of the creation of the world. But in the intervals of study he *personally* conversed with Pan, Æsculapius, and Minerva, in whose mysteries he was secretly initiated, and whose prostrate statues he adored; in the devout persuasion that the philosopher, who is a citizen of the universe, should be

Proclus

[150] The birth of Epicurus is fixed to the year 342 before Christ (Bayle), Olympiad cix. 3; and he opened his school at Athens, Olymp. cxviii. 3, 306 years before the same æra. This intolerant law (Athenæus, l. xiii. p. 610. Diogen. Laertius, l. v. c. 38, p. 290 [c. 2]. Julius Pollux, ix. 5) was enacted in the same, or the succeeding, year (Sigonius, Opp. tom. v. p. 62. Menagius, ad Diogen. Laert. p. 204. Corsini, Fasti Attici, tom. iv. p. 67, 68). Theophrastus, chief of the Peripatetics, and disciple of Aristotle, was involved in the same exile.

[151] This is no fanciful æra: the Pagans reckoned their calamities from the reign of their hero. Proclus, whose nativity is marked by his horoscope (A.D. 412, February 8, at C.P.), died 124 years ἀπὸ Ἰουλιανοῦ βασιλείας, A.D. 485 (Marin. in Vitâ Procli, c. 36).

[152] The life of Proclus, by Marinus, was published by Fabricius (Hamburg, 1700, et ad calcem Bibliot. Latin. Lond. 1703). See Suidas (tom. iii. p. 185, 186), Fabricius (Bibliot. Græc, l. v. c. 26, p. 449-552), and Brucker (Hist. Crit. Philosoph. tom. ii. p. 319-326). [The *Vita Procli*, edited by Boissonade, is published in the Didot series along with Diogenes Laertius, etc.]

the priest of its various deities. An eclipse of the sun announced his approaching end; and his life, with that of his scholar Isidore,[153] compiled by two of their most learned disciples, exhibits a deplorable picture of the second childhood of human reason. Yet the golden chain, as it was fondly styled, of the Platonic succession, continued forty-four years from the death of Proclus to the edict of Justinian,[154] which imposed a perpetual silence on the schools of Athens, and excited the grief and indignation of the few remaining votaries of Grecian science and superstition. Seven friends and philosophers, Diogenes and Hermias, Eulalius and Priscian, Damascius, Isidore, and Simplicius, who dissented from the religion of their sovereign, embraced the resolution of seeking, in a foreign land, the freedom which was denied in their native country. They had heard, and they credulously believed, that the republic of Plato was realized in the despotic government of Persia, and that a patriotic king reigned over the happiest and most virtuous of nations. They were soon astonished by the natural discovery

His successors. A.D. 485-529

[153] The life of Isidore was composed by Damascius (apud Photium, cod. ccxlii. p. 1028-1076). See the last age of the Pagan Philosophers in Brucker (tom. ii. p. 341-351).

[154] The suppression of the schools of Athens is recorded by John Malala (tom. ii. p. 187, sub Decio Cos. Sol.), and an anonymous Chronicle in the Vatican library (apud Aleman. p. 106). [The suppression of the schools by Justinian has been unsuccessfully called in question by Paparrigopulos and Gregorovius (*locc. citt.*). The authority of Malalas is good for the reign of Justinian (see Appendix 1). His words are: (Justinian) θεσπίσας πρόσταξιν ἔπεμψεν ἐν Ἀθήναις κελεύσας μηδένα διδάσκειν φιλοσοφίαν μήτε νόμιμα ἐξηγεῖσθαι κ.τ.λ. (p. 449, ed. Bonn). Justinian had already taken stringent measures against pagans (*ib.* p. 447, and Procopius, Anecd. c. 11). It is not difficult to guess what happened. The edicts against paganism, strictly interpreted, involved the cessation of Neoplatonic propagandism at Athens. The schools went on as before, and in a month or two the proconsul of Achaia would communicate with the Emperor on the subject and ask his pleasure. The πρόσταξις mentioned by Malalas was the rescript to the proconsul. At the same time the closing of the schools was ensured by withdrawing the revenue, as we may infer from Procopius, Anecd. c. 26, ἀλλὰ καὶ τοὺς ἰατροὺς τε καὶ διδασκάλους τῶν ἐλευθερίων τῶν ἀναγκαίων στερεῖσθαι πεποίηκε. τάς τε γὰρ σιτήσεις ἃς οἱ πρότερον βεβασιλευκότες ἐκ τοῦ δημοσίου χορηγεῖσθαι τούτοις δὴ τοῖς ἐπιτηδεύμασιν ἔταξαν, ταύτας δὴ οὗτος ἀφείλετο πάσας. It should be observed that the teaching of law was expressly forbidden. The study of jurisprudence was to be limited to the schools of Constantinople and Berytus. The statement of Malalas that Justinian sent his Code, A.D. 529, to Athens and Berytus, is remarkable, and has been used by Gregorovius to throw doubt on the other statement of Malalas, by Hertzberg to support it. We may grant Gregorovius that there was no solemn formal abolition of the schools, but there is no reason to question that they were directly and suddenly suppressed through a rescript to the proconsul. The matter is noticed by Krumbacher, Gesch. der byz. Litteratur (ed. 2), p. 6, and Gelzer, *ib.* p. 940, who rightly says, "Justinian confiscated the property of the Platonic Academy, and forbade at the University of Athens teaching in philosophy and law".]

that Persia resembled the other countries of the globe; that Chosroes, who affected the name of a philosopher, was vain, cruel, and ambitious; that bigotry, and a spirit of intolerance, prevailed among the Magi; that the nobles were haughty, the courtiers servile, and the magistrates unjust; that the guilty sometimes escaped, and that the innocent were often oppressed. The disappointment of the philosophers provoked them to overlook the real virtues of the Persians; and they were scandalized, more deeply perhaps than became their profession, with the plurality of wives and concubines, the incestuous marriages, and the custom of exposing dead bodies to the dogs and vultures, instead of hiding them in the earth or consuming them with fire. Their repentance was expressed by a precipitate return, and they loudly declared that they had rather die on the borders of the empire than enjoy the wealth and favour of the Barbarian. From this journey, however, they derived a benefit which reflects the purest lustre on the character of Chosroes. He required that the seven sages who had visited the court of Persia should be exempted from the penal laws which Justinian enacted against his Pagan subjects; and this privilege, expressly stipulated in a treaty of peace, was guarded by the vigilance of a powerful mediator.[155] Simplicius and his companions ended their lives in peace and obscurity; and, as they left no disciples, they terminate the long list of Grecian philosophers, who may be justly praised, notwithstanding their defects, as the wisest and most virtuous of their contemporaries. The writings of Simplicius are now extant. His physical and metaphysical commentaries on Aristotle have passed away with the fashion of the times; but his moral interpretation of Epictetus is preserved in the library of nations, as a classic book, most excellently adapted to direct the will, to purify the heart, and to confirm the understanding, by a just confidence in the nature both of God and man.

The last of the philosophers

About the same time that Pythagoras first invented the appellation of philosopher, liberty and the consulship were founded at Rome by the elder Brutus. The revolutions of the consular office, which may be viewed in the successive lights of a substance, a shadow, and a name, have been occasionally mentioned in the present history. The first magistrates of the republic had

The Roman consulship extinguished by Justinian. A.D. 541

[155] Agathias (l. ii. p. 69, 70, 71) relates this curious story. Chosroes ascended the throne in the year 531, and made his first peace with the Romans in the beginning of 533, a date most compatible with his *young* fame and the *old* age of Isidore (Asseman. Bibliot. Orient. tom. iii. p. 404. Pagi, tom. ii. p. 543, 550).

been chosen by the people, to exercise, in the senate and in the camp, the powers of peace and war, which were afterwards translated to the emperors. But the tradition of ancient dignity was long revered by the Romans and Barbarians. A Gothic historian applauds the consulship of Theodoric as the height of all temporal glory and greatness;[156] the king of Italy himself congratulates those annual favourites of fortune who, without the cares, enjoyed the splendour of the throne; and at the end of a thousand years two consuls were created by the sovereigns of Rome and Constantinople, for the sole purpose of giving a date to the year and a festival to the people. But the expenses of this festival, in which the wealthy and the vain aspired to surpass their predecessors, insensibly arose to the enormous sum of fourscore thousand pounds; the wisest senators declined an useless honour, which involved the certain ruin of their families; and to this reluctance I should impute the frequent chasms in the last age of the consular *Fasti*. The predecessors of Justinian had assisted from the public treasures the dignity of the less opulent candidates; the avarice of that prince preferred the cheaper and more convenient method of advice and regulation.[157] Seven *processions* or spectacles were the number to which his edict confined the horse and chariot races, the athletic sports, the music and pantomimes of the theatre, and the hunting of wild beasts; and small pieces of silver were discreetly substituted to the gold medals, which had always excited tumult and drunkenness, when they were scattered with a profuse hand among the populace. Notwithstanding these precautions and his own example, the succession of consuls finally ceased in the thirteenth year of Justinian, whose despotic temper might be gratified by the silent extinction of a title which admonished the Romans of their ancient freedom.[158] Yet the annual consulship still lived in the minds of the people; they fondly expected its speedy restoration; they applauded the gracious condescension of successive princes, by whom it was assumed in the first year of their reign; and three centuries elapsed,

[156] Cassiodor. Variarum Epist. vi. 1. Jornandes, c. 57, p. 696, edit. Grot. Quod summum bonum primumque in mundo decus edicitur.

[157] See the regulations of Justinian (Novell. cv.), dated at Constantinople, July 5, and addressed to Strategius, treasurer of the empire. [Nov. 81, ed. Zach.]

[158] Procopius, in Anecdot. c. 26. Aleman. p. 106. In the xviiith year after the consulship of Basilius, according to the reckoning of Marcellinus, Victor, Marius, &c. the secret history was composed [but see Appendix 1], and, in the eyes of Procopius, the consulship was finally abolished.

after the death of Justinian, before that obsolete dignity, which had been suppressed by custom, could be abolished by law.[159] The imperfect mode of distinguishing each year by the name of a magistrate was usefully supplied by the date of a permanent æra: the creation of the world, according to the septuagint version, was adopted by the Greeks;[160] and the Latins, since the age of Charlemagne, have computed their time from the birth of Christ.[161]

[159] By Leo the philosopher (Novell. xciv. A.D. 886-911). [Zachariä von L., Jus Græco-Romanum, iii. p. 191.] See Pagi (Dissertat. Hypatica, p. 325-362), and Ducange (Gloss. Græc. p. 1635, 1636). Even the title was vilified; consulatus codicilli . . . vilescunt, says the emperor himself.

[160] According to Julius Africanus, &c. the world was created the first of September, 5508 years, three months, and twenty-five days before the birth of Christ (see Pezron, Antiquité des Tems defendue, p. 20-28); and this æra has been used by the Greeks, the Oriental Christians, and even by the Russians, till the reign of Peter I. The period, however arbitrary, is clear and convenient. Of the 7296 years which are supposed to elapse since the creation, we shall find 3000 of ignorance and darkness; 2000 either fabulous or doubtful; 1000 of ancient history, commencing with the Persian empire, and the republics of Rome and Athens; 1000 from the fall of the Roman empire in the west to the discovery of America; and the remaining 296 will almost complete three centuries of the modern state of Europe and mankind. I regret this chronology, so far preferable to our double and perplexed method of counting backwards and forwards the years before and after the Christian æra. [See above, vol. ii., Appendix 4.]

[161] The æra of the world has prevailed in the East since the vith general council (A.D. 681). In the West the Christian æra was first invented in the vith century; it was propagated in the viiith by the authority and writings of venerable Bede; but it was not till the xth that the use became legal and popular. See l'Art de vérifier les Dates, Dissert. Préliminaire, p. iii. xii. Dictionnaire Diplomatique, tom. i. p. 329-337: the works of a laborious society of Benedictine monks.

CHAPTER XLI

Conquests of Justinian in the West—Character and first Campaigns of Belisarius—He invades and subdues the Vandal Kingdom of Africa—His Triumph—The Gothic War—He recovers Sicily, Naples, and Rome—Siege of Rome by the Goths—Their Retreat and Losses—Surrender of Ravenna—Glory of Belisarius—His domestic Shame and Misfortunes

Justinian resolves to invade Africa. A.D. 533

When Justinian ascended the throne, about fifty years after the fall of the Western empire, the kingdom of the Goths and Vandals had obtained a solid and, as it might seem, a legal establishment both in Europe and Africa. The titles which Roman victory had inscribed were erazed with equal justice by the sword of the Barbarians; and their successful rapine derived a more venerable sanction from time, from treaties, and from the oaths of fidelity, already repeated by a second or third generation of obedient subjects. Experience and Christianity had refuted the superstitious hope that Rome was founded by the gods to reign for ever over the nations of the earth. But the proud claim of perpetual and indefeasible dominion, which her soldiers could no longer maintain, was firmly asserted by her statesmen and lawyers, whose opinions have been sometimes revived and propagated in the modern schools of jurisprudence. After Rome herself had been stripped of the Imperial purple, the princes of Constantinople assumed the sole and sacred sceptre of the monarchy; demanded, as their rightful inheritance, the provinces which had been subdued by the consuls or possessed by the Cæsars; and feebly aspired to deliver their faithful subjects of the West from the usurpation of heretics and Barbarians. The execution of this splendid design was in some degree reserved for Justinian. During the five first years of his reign, he reluctantly waged a costly and unprofitable war against the Persians; till his pride submitted to his ambition, and he purchased, at the price of four hundred and forty thousand pounds sterling, the benefit of a precarious truce, which, in the language of both nations, was dignified with the

ppellation of the *endless* peace. The safety of the East enabled he emperor to employ his forces against the Vandals; and the nternal state of Africa afforded an honourable motive, and romised a powerful support, to the Roman arms.[1]

State of the Vandals. Hilderic. A.D. 523-530

According to the testament of the founder, the African kingdom had lineally descended to Hilderic the eldest of the Vandal princes. A mild disposition inclined the son of a tyrant, the grandson of a conqueror, to prefer the counsels of clemency and peace; and his accession was marked by the salutary edict which restored two hundred bishops to their churches and allowed the free profession of the Athanasian creed.[2] But the Catholics accepted with cold and transient gratitude a favour so inadequate to their pretensions, and the virtues of Hilderic offended the prejudices of his countrymen. The Arian clergy presumed to insinuate that he had renounced the faith, and the soldiers more loudly complained that he had degenerated from the courage, of his ancestors. His ambassadors were suspected of a secret and disgraceful negotiation in the Byzantine court; and his general, he Achilles,[3] as he was named, of the Vandals, lost a battle [Hoamer] against the naked and disorderly Moors. The public discontent Gelimer A.D 530-534 was exasperated by Gelimer,[4] whose age, descent, and military ame gave him an apparent title to the succession; he assumed, vith the consent of the nation, the reins of government; and his nfortunate sovereign sunk without a struggle from the throne o a dungeon, where he was strictly guarded with a faithful [June 531] ounsellor and his unpopular nephew, the Achilles of the Vandals. But the indulgence which Hilderic had shewn to his Catholic

[1] The complete series of the Vandal war is related by Procopius in a regular nd elegant narrative (l. i. c. 9-25; l. ii. c. 1-13); and happy would be my lot, ould I always tread in the footsteps of such a guide. From the entire and iligent perusal of the Greek text, I have a right to pronounce that the Latin and rench versions of Grotius and Cousin may not be implicitly trusted; yet the resident Cousin has been often praised, and Hugo Grotius was the first scholar f a learned age.

[2] See Ruinart, Hist. Persecut. Vandal. c. xii. p. 589. His best evidence is drawn om the life of St. Fulgentius, composed by one of his disciples, transcribed in a reat measure in the annals of Baronius, and printed in several great collections Catalog. Bibliot. Bunaviænæ, tom. i. vol. ii. p. 1258).

[3] For what quality of the mind or body? For speed, or beauty, or valour?—In hat language did the Vandals read Homer?—Did he speak German?—The Latins ad four versions (Fabric. tom. i. l. ii. c. 3, p. 297); yet, in spite of the praises of eneca (Consol. c. 26), they appear to have been more successful in imitating, han in translating, the Greek poets. But the name of Achilles might be famous nd popular, even among the illiterate Barbarians. [The Moorish leader in the attle, which led to the fall of Hilderic, was Antāla, chief of the Frexenses, a Moorish tribe of Byzacium. See Corippus, Johannis, 3, 184 *sqq.*]

[4] [The true form of the name is Geilimir.]

subjects had powerfully recommended him to the favour of Justinian, who, for the benefit of his own sect, could acknowledge the use and justice of religious toleration; their alliance, while the nephew of Justin remained in a private station, was cemented by the mutual exchange of gifts and letters; and the emperor Justinian asserted the cause of royalty and friendship. In two successive embassies, he admonished the usurper to repent of his treason, or to abstain, at least, from any further violence, which might provoke the displeasure of God and of the Romans; to reverence the laws of kindred and succession; and to suffer an infirm old man peaceably to end his days either on the throne of Carthage or in the palace of Constantinople. The passions or even the prudence of Gelimer compelled him to reject these requests, which were urged in the haughty tone of menace and command; and he justified his ambition in a language rarely spoken in the Byzantine court, by alleging the right of a free people to remove or punish their chief magistrate, who had failed in the execution of the kingly office.[5] After this fruitless expostulation, the captive monarch was more rigorously treated, his nephew was deprived of his eyes, and the cruel Vandal, confident in his strength and distance, derided the vain threats and slow preparations of the emperor of the East. Justinian resolved to deliver or revenge his friend, Gelimer to maintain his usurpation; and the war was preceded, according to the practice of civilized nations, by the most solemn protestations that each party was sincerely desirous of peace.

Debates on the African war

The report of an African war was grateful only to the vain and idle populace of Constantinople, whose poverty exempted them from tribute, and whose cowardice was seldom exposed to military service. But the wiser citizens, who judged of the future by the past, revolved in their memory the immense loss both of men and money, which the empire had sustained in the expedition of Basiliscus. The troops, which, after five laborious campaigns, had been recalled from the Persian frontier, dreaded the sea, the climate, and the arms of an unknown enemy. The ministers of the finances computed, as far as they might compute, the demands of an African war; the taxes which must be found and levied to supply those insatiate demands; and the danger lest their own lives, or at least their lucrative employments, should be made responsible for the deficiency of the supply. Inspired by such

[5] [In his letter Gelimer styled himself *basileus*, a title exclusively used by the emperor.]

lfish motives (for we may not suspect him of any zeal for the ublic good), John of Cappadocia ventured to oppose in full uncil the inclinations of his master. He confessed that a vic- ry of such importance could not be too dearly purchased; but e represented in a grave discourse the certain difficulties and the ncertain event. "You undertake," said the præfect, "to besiege arthage by land, the distance is not less than one hundred and rty days' journey; on the sea, a whole year [6] must elapse before ou can receive any intelligence from your fleet. If Africa should e reduced, it cannot be preserved without the additional conquest Sicily and Italy. Success will impose the obligation of new bours; a single misfortune will attract the Barbarians into the eart of your exhausted empire." Justinian felt the weight of is salutary advice; he was confounded by the unwonted freedom an obsequious servant; and the design of the war would per- aps have been relinquished, if his courage had not been revived a voice which silenced the doubts of profane reason. "I have en a vision," cried an artful or fanatic bishop of the East. "It the will of heaven, O emperor! that you should not abandon our holy enterprise for the deliverance of the African church. he God of battles will march before your standard, and disperse our enemies, who are the enemies of his Son." The emperor ight be tempted, and his counsellors were constrained, to give edit to this seasonable revelation; but they derived more tional hope from the revolt which the adherents of Hilderic or thanasius had already excited on the borders of the Vandal onarchy. Pudentius, an African subject, had privately signified s loyal intentions, and a small military aid restored the province Tripoli to the obedience of the Romans. The government of rdinia had been entrusted to Godas, a valiant Barbarian; he spended the payment of tribute, disclaimed his allegiance to e usurper, and gave audience to the emissaries of Justinian, who und him master of that fruitful island, at the head of his guards, d proudly invested with the ensigns of royalty. The forces of e Vandals were diminished by discord and suspicion; the Roman mies were animated by the spirit of Belisarius: one of those roic names which are familiar to every age and to every nation. The Africanus of new Rome was born, and perhaps educated,

Character and choice of Belisarius

[6] *A year*—absurd exaggeration! The conquest of Africa may be dated A.D. 3, September 14: it is celebrated by Justinian in the preface to his Institutes, ich were published November 21, of the same year. Including the voyage and urn, such a computation might be truly applied to *our* Indian empire.

among the Thracian peasants,[7] without any of those advantage which had formed the virtues of the elder and the younge Scipio: a noble origin, liberal studies, and the emulation of free state. The silence of a loquacious secretary may be ac mitted to prove that the youth of Belisarius could not afford an subject of praise: he served, most assuredly with valour an reputation, among the private guards of Justinian; and, whe his patron became emperor, the domestic was promoted t military command. After a bold inroad into Persarmenia, i which his glory was shared by a colleague and his progress wa checked by an enemy, Belisarius repaired to the importan station of Dara, where he first accepted the service of Procopiu the faithful companion, and diligent historian, of his exploits.

His services in the Persian war. A.D. 529-532

The Mirranes[9] of Persia advanced, with forty thousand of h best troops, to raze the fortifications of Dara; and signified th day and the hour on which the citizens should prepare a bat for his refreshment after the toils of victory. He encountere an adversary equal to himself, by the new title of General of th East:[10] his superior in the science of war, but much inferior i the number and quality of his troops, which amounted only t twenty-five thousand Romans and strangers, relaxed in the

[A.D. 530]

discipline, and humbled by recent disasters. As the level pla of Dara refused all shelter to stratagem and ambush, Belisariu protected his front with a deep trench, which was prolonged first in perpendicular and afterwards in parallel lines, to cov the wings of cavalry advantageously posted to command th flanks and rear of the enemy.[11] When the Roman centre wa shaken, their well-timed and rapid charge decided the conflic the standard of Persia fell; the *immortals* fled; the infant threw away their bucklers; and eight thousand of the vanquishe were left on the field of battle. In the next campaign, Syr

[7] Ὥρμητο δὲ ὁ Βελισάριος ἐκ Γερμανίας, ἢ Θρᾳκων τε καὶ Ἰλλυρίων μεταξὺ κεῖ (Procop. Vandal. l. i. c. 11). Aleman. (Not. ad Anecdot. p. 5), an Italian, cou easily reject the German vanity of Giphanius and Velserus, who wished to cla the hero; but his Germania, a metropolis of Thrace, I cannot find in any civil ecclesiastical lists of the provinces and cities. [Γερμάνη, near Sardica, is mention by Proc., de Æd. 4, 1; Γερμάη, obviously the same place, by Hierocles, und Dacia Medit. p. 14, ed. Burckhardt (Γερμανός in Const. Porph. iii. 56).]

[8] The two first Persian campaigns of Belisarius are fairly and copiously relat by his secretary (Persic. l. i. c. 12-18).

[9] [Mihrān is the name, not of an office, but of a family. Cp. Theophylac Simoc., 3, 18, and Nöldeke, Gesch. der Perser, &c. p. 139.]

[10] [No new title, but that of Mag. Mil. per Orientem; but about this time a n command was introduced, that of Mag. Militum in Armenia, and was conferred Sittas, who married the Empress Theodora's sister.]

[11] [For a diagram of this battle see Bury, Later Roman Empire, i. p. 375.]

as invaded on the side of the desert; and Belisarius, with twenty [A.D. 531]
housand men, hastened from Dara to the relief of the province.
uring the whole summer, the designs of the enemy were
affled by his skilful dispositions: he pressed their retreat,
ccupied each night their camp of the preceding day, and would
ave secured a bloodless victory if he could have resisted the
mpatience of his own troops. Their valiant promise was faintly
pported in the hour of battle; the right wing was exposed by
e treacherous or cowardly desertion of the Christian Arabs;
e Huns, a veteran band of eight hundred warriors, were
pressed by superior numbers; the flight of the Isaurians was
tercepted; but the Roman infantry stood firm on the left, for
elisarius himself, dismounting from his horse, shewed them that
trepid despair was their only safety. They turned their backs
the Euphrates, and their faces to the enemy; innumerable
rows glanced without effect from the compact and shelving
der of their bucklers; an impenetrable line of pikes was
posed to the repeated assaults of the Persian cavalry; and,
ter a resistance of many hours, the remaining troops were skil-
lly embarked under the shadow of the night. The Persian
mmander retired with disorder and disgrace, to answer a strict
count of the lives of so many soldiers which he had consumed
a barren victory. But the fame of Belisarius was not sullied
a defeat, in which he alone had saved his army from the
nsequences of their own rashness;[12] the approach of peace
lieved him from the guard of the eastern frontier, and his
nduct in the sedition of Constantinople amply discharged his
ligations to the emperor. When the African war became the
pic of popular discourse and secret deliberation, each of the
man generals was apprehensive, rather than ambitious, of the
ngerous honour; but, as soon as Justinian had declared his
eference of superior merit, their envy was rekindled by the
animous applause which was given to the choice of Belisarius.
e temper of the Byzantine court may encourage a suspicion
at the hero was darkly assisted by the intrigues of his wife, the
r and subtle Antonina, who alternately enjoyed the confidence,
d incurred the hatred, of the empress Theodora. The birth of
ntonina was ignoble, she descended from a family of charioteers;
d her chastity has been stained with the foulest reproach.
t she reigned with long and absolute power over the mind of

[12] [This is the account of Procopius; but John Malalas, who is very full here, s the blame on Belisarius.]

her illustrious husband; and, if Antonina disdained the merit
conjugal fidelity, she expressed a manly friendship to Belisariu
whom she accompanied with undaunted resolution in all th
hardships and dangers of a military life.[13]

Preparations for the African war. A.D. 533

The preparations for the African war were not unworthy
the last contest between Rome and Carthage. The pride an
flower of the army consisted of the guards of Belisarius, wh
according to the pernicious indulgence of the times, devote
themselves by a particular oath of fidelity to the service of the
patrons. Their strength and stature, for which they had bee
curiously selected, the goodness of their horses and armour, an
the assiduous practice of all the exercises of war, enabled the
to act whatever their courage might prompt; and their courag
was exalted by the social honour of their rank and the person
ambition of favour and fortune. Four hundred of the bravest
the Heruli marched under the banner of the faithful and activ
Pharas; their untractable valour was more highly prized tha
the tame submission of the Greeks and Syrians; and of suc
importance was it deemed to procure a reinforcement of s
hundred Massagetæ, or Huns, that they were allured by frau
and deceit to engage in a naval expedition. Five thousand hor
and ten thousand foot were embarked at Constantinople for th
conquest of Africa, but the infantry, for the most part levied
Thrace and Isauria, yielded to the more prevailing use an
reputation of the cavalry; and the Scythian bow was the weap
on which the armies of Rome were now reduced to place the
principal dependence. From a laudable desire to assert th
dignity of his theme, Procopius defends the soldiers of his ow
time against the morose critics who confined that respectab
name to the heavy-armed warriors of antiquity and malicious
observed that the word *archer* is introduced by Homer[14] as
term of contempt. "Such contempt might, perhaps, be due
the naked youths who appeared on foot in the fields of Troy, an
lurking behind a tomb-stone, or the shield of a friend, drew t
bow-string to their breast,[15] and dismissed a feeble and lifel

[13] See the birth and character of Antonina, in the Anecdotes, c. 1, and the ne
of Alemannus, p. 3.

[14] See the preface of Procopius. The enemies of archery might quote
reproaches of Diomede (Iliad, A. 385, &c.) and the permittere vulnera ventis
Lucan (viii. 384); yet the Romans could not despise the arrows of the Parthia
and in the siege of Troy Pandarus, Paris, and Teucer pierced those haug
warriors who insulted them as women or children.

[15] Νευρὴν μὲν μαζῷ πέλασεν, τόξῳ δὲ σίδηρον (Iliad, Δ. 123). How concise—h
just—how beautiful is the whole picture! I see the attitudes of the archer—I h
the twanging of the bow.

λίγξε βιὸς, νευρὴ δὲ μάγ' ἴαχεν, ἄλτο δ' ὀϊστός.

row. But our archers (pursues the historian), are mounted on orses, which they manage with admirable skill; their head and houlders are protected by a cask or buckler; they wear greaves f iron on their legs, and their bodies are guarded by a coat of ail. On their right side hangs a quiver, a sword on their left, nd their hand is accustomed to wield a lance or javelin in closer ombat. Their bows are strong and weighty; they shoot in very possible direction, advancing, retreating, to the front, to he rear, or to either flank; and, as they are taught to draw the ow-string not to the breast, but to the right ear, firm, indeed, ust be the armour that can resist the rapid violence of their haft." Five hundred transports, navigated by twenty thousand ariners of Egypt, Cilicia, and Ionia, were collected in the arbour of Constantinople. The smallest of these vessels may be omputed at thirty, the largest at five hundred, tons; and the ir average will supply an allowance, liberal but not profuse, of out one hundred thousand tons,[16] for the reception of thirty-ve thousand soldiers and sailors, of five thousand horses, of arms, ngines, and military stores, and of a sufficient stock of water nd provisions for a voyage, perhaps, of three months. The oud galleys, which in former ages swept the Mediterranean ith so many hundred oars, had long since disappeared; and the eet of Justinian was escorted only by ninety-two light brigan-nes, covered from the missile weapons of the enemy, and rowed two thousand of the brave and robust youth of Constantinople. wenty-two generals are named, most of whom were afterwards stinguished in the wars of Africa and Italy; but the supreme mmand, both by land and sea, was delegated to Belisarius one, with a boundless power of acting according to his discretion if the emperor himself were present. The separation of the val and military professions is at once the effect and the cause the modern improvements in the science of navigation and aritime war.

In the seventh year of the reign of Justinian, and about the me of the summer solstice, the whole fleet of six hundred

Departure of the fleet. A. D. 533, June

[16] The text appears to allow for the largest vessels 50,000 medimni, or 3000 tons nce the *medimnus* weighed 160 Roman, or 120 avoirdupois, pounds). I have en a more rational interpretation, by supposing that the Attic style of Procopius nceals the legal and popular *modius*, a sixth part of the *medimnus* (Hooper's cient measures, p. 152, &c.). A contrary, and indeed a stranger, mistake has pt into an oration of Dinarchus (contra Demosthenem, in Reiske Orator. æc. tom. iv. P. ii. p. 34). By reducing the *number* of ships from 500 to 50, and nslating μεδιμνοι by *mines*, or pounds, Cousin has generously allowed 500 tons for whole of the Imperial fleet!—Did he never think? [Mr. Hodgkin calculates longest vessel at 750, the smallest at 45, tons.]

ships was ranged in martial pomp before the gardens of th palace. The patriarch pronounced his benediction, the emperc signified his last commands, the general's trumpet gave th signal of departure, and every heart, according to its fears c wishes, explored with anxious curiosity the omens of misfortun and success. The first halt was made at Perinthus or Heraclea where Belisarius waited five days to receive some Thracia horses, a military gift of his sovereign. From thence the flee pursued their course through the midst of the Propontis; bu as they struggled to pass the straits of the Hellespont, a unfavourable wind detained them four days at Abydus, wher the general exhibited a memorable lesson of firmness an severity. Two of the Huns, who in a drunken quarrel had slai one of their fellow-soldiers, were instantly shewn to the arm suspended on a lofty gibbet. The national indignity was re sented by their countrymen, who disclaimed the servile laws c the empire, and asserted the free privilege of Scythia, where small fine was allowed to expiate the hasty sallies of intempe ance and anger. Their complaints were specious, their clamou were loud, and the Romans were not averse to the example c disorder and impunity. But the rising sedition was appease by the authority and eloquence of the general; and he re presented to the assembled troops the obligation of justice, th importance of discipline, the rewards of piety and virtue, an the unpardonable guilt of murder, which, in his apprehensio was aggravated rather than excused by the vice of intoxication.[17] In the navigation from the Hellespont to Peloponnesus, whic the Greeks, after the siege of Troy, had performed in fou days,[18] the fleet of Belisarius was guided in their course by h master-galley, conspicuous in the day by the redness of th sails, and in the night by the torches blazing from the mas head. It was the duty of the pilots, as they steered betwee the islands, and turned the capes of Malea and Tænarum, preserve the just order and regular intervals of such a multitud of ships; as the wind was fair and moderate, their labours we not unsuccessful, and the troops were safely disembarked

[17] I have read of a Greek legislator who inflicted a *double* penalty on the crim committed in a state of intoxication; but it seems agreed that this was rather political than a moral law.

[18] Or even in three days, since they anchored the first evening in the neighbo ing isle of Tenedos; the second day they sailed to Lesbos, the third to the pr montory of Eubœa, and on the fourth they reached Argos (Homer, Odyss. Γ. 1 183. Wood's Essay on Homer, p. 40-46). A pirate sailed from the Hellespo to the seaport at Sparta in three days (Xenophon, Hellen. l. ii. c. 1).

Methone on the Messenian coast, to repose themselves for a [Modon]
while after the fatigues of the sea. In this place they experienced how avarice, invested with authority, may sport with the lives of thousands which are bravely exposed for the public service. According to military practice, the bread or biscuit of the Romans was twice prepared in the oven, and a diminution of one fourth was cheerfully allowed for the loss of weight. To gain this miserable profit, and to save the expense of wood, the præfect John of Cappadocia had given orders that the flour should be slightly baked by the same fire which warmed the baths of Constantinople; and, when the sacks were opened, a soft and mouldy paste was distributed to the army. Such unwholesome food, assisted by the heat of the climate and season, soon produced an epidemical disease, which swept away five hundred soldiers. Their health was restored by the diligence of Belisarius, who provided fresh bread at Methone, and boldly expressed his just and humane indignation; the emperor heard his complaint; the general was praised; but the minister was not punished. From the port of Methone, the pilots steered along the western coast of Peloponnesus, as far as the isle of Cythus or Zant, before they undertook the voyage (in their eyes a most arduous voyage) of one hundred leagues over the Ionian sea. As the fleet was surprised by a calm, sixteen days were consumed in the slow navigation; and even the general would have suffered the intolerable hardship of thirst, if the ingenuity of Antonina had not preserved the water in glass bottles, which she buried deep in the sand in a part of the ship impervious to the rays of the sun. At length the harbour of Caucana,[19] on the southern side of Sicily, afforded a secure and hospitable shelter. The Gothic officers who governed the island in the name of the daughter and grandson of Theodoric obeyed their imprudent orders, to receive the troops of Justinian like friends and allies: provisions were liberally supplied, the cavalry was remounted,[20] and Procopius soon returned from Syracuse with correct information of the state and designs of the Vandals. This intelligence determined Belisarius to hasten his operations, and his wise impatience was seconded by the winds. The fleet

[19] Caucana, near Camarina, is at least 50 miles (350 or 400 stadia) from Syracuse (Cluver, Sicilia Antiqua, p. 191). [Caucana is Porto Lombardo. In Walter Malaterra, iv. 16, it is called *Resacramba.*]

[20] Procopius, Gothic. l. i. c. 3. Tibi tollit hinnitum apta quadrigis equa, in the Sicilian pastures of Grosphus (Horat. Carm. ii. 16). Acragas . . . magnanimûm pecudam generator equorum (Virg. Æneid, iii. 704). Thero's horses, whose victories are immortalized by Pindar, were bred in this country.

lost sight of Sicily, passed before the isle of Malta, discovered the capes of Africa, ran along the coast with a strong gale from the north-east, and finally cast anchor at the promontory o [Ras Kabudia] Caput Vada, about five days' journey to the south of Carthage.[21]

Belisarius lands on the coast of Africa September

If Gelimer had been informed of the approach of the enemy he must have delayed the conquest of Sardinia, for the im mediate defence of his person and kingdom. A detachment o five thousand soldiers, and one hundred and twenty galleys would have joined the remaining forces of the Vandals; and th descendant of Genseric might have surprised and oppressed fleet of deep-laden transports incapable of action, and of ligh brigantines that seemed only qualified for flight. Belisarius ha secretly trembled when he overheard his soldiers, in the passage emboldening each other to confess their apprehensions: if the were once on shore, they hoped to maintain the honour of thei arms; but, if they should be attacked at sea, they did not blus to acknowledge that they wanted courage to contend at th same time with the winds, the waves, and the Barbarians.[22] Th knowledge of their sentiments decided Belisarius to seize th first opportunity of landing them on the coast of Africa, and h prudently rejected, in a council of war, the proposal of sailin with the fleet and army into the port of Carthage. Thre months after their departure from Constantinople, the men an horses, the arms and military stores, were safely disembarked and five soldiers were left as a guard on board each of the ship which were disposed in the form of a semicircle. The remainde of the troops occupied a camp on the sea-shore, which the fortified, according to ancient discipline, with a ditch and rampart and the discovery of a source of fresh water, while it allayed th thirst, excited the superstitious confidence, of the Romans. Th next morning, some of the neighbouring gardens were pillaged and Belisarius, after chastising the offenders, embraced the sligh occasion, but the decisive moment, of inculcating the maxims justice, moderation, and genuine policy. "When I first accepte the commission of subduing Africa, I depended much less," sa

[21] The Caput Vada of Procopius (where Justinian afterwards founded a city de Ædific. l. vi. c. 6) is the promontory of Ammon in Strabo, the Brachodes Ptolemy, the Capaudia of the moderns, a long narrow slip that runs into the s (Shaw's Travels, p. 111). [The distance of Caput Vada from Carthage was abo 175 Roman miles, nine days' march for the army of Belisarius (cp. Tissot, Géog de l'Afrique rom., 2, 108 *sqq.*).]

[22] A centurion of Mark Anthony expressed, though in a more manly strain, t same dislike to the sea and to naval combats (Plutarch, in Antonio, p. 1730, ed Hen. Steph.).

the general, "on the numbers, or even the bravery, of my troops, than upon the friendly disposition of the natives and their immortal hatred to the Vandals. You alone can deprive me of this hope: if you continue to extort by rapine, what might be purchased for a little money, such acts of violence will reconcile these implacable enemies, and unite them in a just and holy league against the invaders of their country." These exhortations were enforced by a rigid discipline, of which the soldiers themselves soon felt and praised the salutary effects. The inhabitants, instead of deserting their houses, or hiding their corn, supplied the Romans with a fair and liberal market; the civil officers of the province continued to exercise their functions in the name of Justinian; and the clergy, from motives of conscience and interest, assiduously laboured to promote the cause of a Catholic emperor. The small town of Sullecte,[23] one day's journey from the camp, had the honour of being foremost to open her gates and to resume her ancient allegiance; the larger cities of Leptis and Adrumetum imitated the example of loyalty as soon as Belisarius appeared; and he advanced without opposition as far as Grassé, a palace of the Vandal kings, at the distance of fifty miles from Carthage. The weary Romans indulged themselves in the refreshment of shady groves, cool fountains, and delicious fruits; and the preference which Procopius allows to these gardens over any that he had seen, either in the East or West, may be ascribed either to the taste or the fatigue of the historian. In three generations prosperity and a warm climate had dissolved the hardy virtue of the Vandals, who insensibly became the most luxurious of mankind. In their villas and gardens, which might deserve the Persian name of *paradise*,[24] they enjoyed a cool and elegant repose; and, after the daily use of the bath, the Barbarians were seated at a table profusely spread with the delicacies of the land and sea. Their silken robes loosely flowing after the fashion of the Medes, were embroidered with gold; love and hunting were the labours of their life; and their vacant hours were amused by pantomimes, chariot-races, and the music and dances of the theatre.

[23] Sullecte is perhaps the Turris Hannibalis, an old building, now as large as the Tower of London. [See Tissot, Géog. comparée de la prov. romaine d'Afrique, i. 179.] The march of Belisarius to Leptis, Adrumetum, &c. is illustrated by the campaign of Cæsar (Hirtius, de Bello Africano, with the Analyse of Guichardt), and Shaw's Travels (p. 105-113) in the same country.

[24] Παράδεισος καλλιστος ἁπαντων ὧν ἡμεις ἱσμεν. The paradises, a name and fashion adopted from Persia, may be represented by the royal garden of Ispahan (Voyage d'Olearius, p. 774). See, in the Greek romances, their most perfect model (Longus, Pastoral. l. iv. p. 99-101. Achilles Tatius, l. i. p. 22, 23).

Defeats the Vandals in a first battle

In a march of ten or twelve days, the vigilance of Belisarius was constantly awake and active against his unseen enemies, by whom, in every place and at every hour, he might be suddenly attacked. An officer of confidence and merit, John the Armenian, led the vanguard of three hundred horse; six hundred Massagetæ covered at a certain distance the left flank; and the whole fleet steering along the coast, seldom lost sight of the army, which moved each day about twelve miles, and lodged in the evening in strong camps or in friendly towns. The near approach of the Romans to Carthage filled the mind of Gelimer with anxiety and terror. He prudently wished to protract the war till his brother, with his veteran troops, should return from the conquest of Sardinia; and he now lamented the rash policy of his ancestors, who, by destroying the fortifications of Africa, had left him only the dangerous resource of risking a battle in the neighbourhood of his capital. The Vandal conquerors, from their original number of fifty thousand, were multiplied, without including their women and children, to one hundred and sixty thousand[25] fighting men; and such forces, animated with valour and union, might have crushed, at their first landing, the feeble and exhausted bands of the Roman general. But the friends of the captive king were more inclined to accept the invitations, than to resist the progress, of Belisarius; and many a proud Barbarian disguised his aversion to war under the more specious name of his hatred to the usurper. Yet the authority and promises of Gelimer collected a formidable army, and his plans were concerted with some degree of military skill. An order was dispatched to his brother Ammatas, to collect all the forces of Carthage and to encounter the van of the Roman army at the distance of ten miles from the city; his nephew Gibamund, with two thousand horse, was destined to attack their left, when the monarch himself, who silently followed, should charge their rear in a situation which excluded them from the aid or even the view of their fleet. But the rashness of Ammatas was fatal to himself and his country. He anticipated the hour of attack, outstripped his tardy followers, and was pierced with a mortal wound, after he had slain, with his own hand, twelve of his boldest antagonists. His Vandals fled to Carthage; the highway, almost ten miles, was strewed with dead bodies; and it seemed incredible that such multitudes could be slaughtered by the swords of three hundred Romans. The nephew of Gelimer was defeated after a slight combat by the six hundred Massagetæ

[Battle of Ad Decimum]

[Sept. 13]

[25] [Rather 150,000, Proc. B.V. vol. i. p. 418; but *ib.* 334, Proc. gives 80,000 (cp Anecd. c. 3). The number of the Vandal army was probably not more than 40,000. Cp. Pflugk-Harttung, Belisars Vandalenkrieg, Hist. Ztsch., 61 (1889), p. 72.]

they did not equal the third part of his numbers; but each Scythian was fired by the example of his chief, who gloriously exercised the privilege of his family by riding foremost and alone to shoot the first arrow against the enemy. In the meanwhile, Gelimer himself, ignorant of the event, and misguided by the windings of the hills, inadvertently passed the Roman army, and reached the scene of action where Ammatas had fallen. He wept the fate of his brother and of Carthage, charged with irresistible fury the advancing squadrons, and might have pursued, and perhaps decided the victory, if he had not wasted those inestimable moments in the discharge of a vain, though pious, duty to the dead. While his spirit was broken by this mournful office, he heard the trumpet of Belisarius, who, leaving Antonina and his infantry in the camp, pressed forwards with his guards and the remainder of the cavalry to rally his flying troops and to restore the fortune of the day. Much room could not be found in this disorderly battle for the talents of a general; but the king fled before the hero; and the Vandals, accustomed only to a Moorish enemy, were incapable of withstanding the arms and discipline of the Romans. Gelimer retired with hasty steps towards the desert of Numidia; but he had soon the consolation of learning that his private orders for the execution of Hilderic and his captive friends had been faithfully obeyed. The tyrant's revenge was useful only to his enemies. The death of a lawful prince excited the compassion of his people; his life might have perplexed the victorious Romans; and the lieutenant of Justinian, by a crime of which he was innocent, was relieved from the painful alternative of forfeiting his honour or relinquishing his conquests.

As soon as the tumult had subsided, the several parts of the army informed each other of the accidents of the day; and Belisarius pitched his camp on the field of victory, to which the tenth mile-stone from Carthage had applied the Latin appellation of *Decimus*. From a wise suspicion of the stratagems and resources of the Vandals, he marched the next day in order of battle, halted in the evening before the gates of Carthage, and allowed a night of repose, that he might not in darkness and disorder expose the city to the licentiousness of the soldiers or the soldiers themselves to the secret ambush of the city. But, as the fears of Belisarius were the result of calm and intrepid reason, he was soon satisfied that he might confide, without danger, in the peaceful and friendly aspect of the capital. Carthage blazed with innumerable torches, the signals of the public joy; the chain was removed that guarded the entrance of

Reduction of Carthage. A.D. 533, Sep. 15

the port; the gates were thrown open; and the people, with acclamations of gratitude, hailed and invited their Roman deliverers. The defeat of the Vandals and the freedom of Africa were announced to the city on the eve of St. Cyprian, when the churches were already adorned and illuminated for the festival of the martyr, whom three centuries of superstition had almost raised to a local deity. The Arians, conscious that their reign had expired, resigned the temple to the Catholics, who rescued their saint from profane hands, performed the holy rites, and loudly proclaimed the creed of Athanasius and Justinian. One awful hour reversed the fortunes of the contending parties. The suppliant Vandals, who had so lately indulged the vices of conquerors, sought an humble refuge in the sanctuary of the church; while the merchants of the East were delivered from the deepest dungeon of the palace by their affrighted keeper, who implored the protection of his captives, and shewed them, through an aperture in the wall, the sails of the Roman fleet. After their separation from the army, the naval commanders had proceeded with slow caution along the coast, till they reached the Hermæan promontory and obtained the first intelligence of the victory of Belisarius. Faithful to his instructions, they would have cast anchor about twenty miles from Carthage, if the more skilful seamen had not represented the perils of the shore and the signs of an impending tempest. Still ignorant of the revolution, they declined, however, the rash attempt of forcing the chain of the port; and the adjacent harbour and suburb of Mandracium were insulted only by the rapine of a private officer who disobeyed and deserted his leaders. But the Imperial fleet, advancing with a fair wind, steered through the narrow entrance of the Goletta, and occupied in the deep and capacious lake of Tunis a secure station about five miles from the capital.[26] No sooner was Belisarius informed of their arrival than he dispatched orders that the greatest part of the mariners should be immediately landed to join the triumph, and to swell the apparent numbers, of the Romans. Before he allowed them to enter the gates of Carthage, he exhorted them, in a discourse worthy of himself and the occasion, not to disgrace the glory of their arms;

[26] The neighbourhood of Carthage, the sea, the land, and the rivers, are changed almost as much as the works of man. The isthmus, or neck, of the city is now confounded with the continent: the harbour is a dry plain; and the lake, or stagnum, no more than a morass, with six or seven feet water in the mid-channel. See d'Anville (Géographie Ancienne, tom. iii. p. 82), Shaw (Travels, p. 77-84), Marmol (Description de l'Afrique, tom. ii. p. 465), and Thuanus (lviii. 12, tom. iii. p. 534).

and to remember that the Vandals had been the tyrants, but that *they* were the deliverers, of the Africans, who must now be respected as the voluntary and affectionate subjects of their common sovereign. The Romans marched through the streets in close ranks, prepared for battle if an enemy had appeared; the strict order maintained by the general imprinted on their minds the duty of obedience; and, in an age in which custom and impunity almost sanctified the abuse of conquest, the genius of one man repressed the passions of a victorious army. The voice of menace and complaint was silent; the trade of Carthage was not interrupted; while Africa changed her master and her government, the shops continued open and busy; and the soldiers, after sufficient guards had been posted, modestly departed to the houses which were allotted for their reception. Belisarius fixed his residence in the palace; seated himself on the throne of Genseric; accepted and distributed the Barbaric spoil; granted their lives to the suppliant Vandals; and laboured to repair the damage which the suburb of Mandracium had sustained in the preceding night. At supper he entertained his principal officers with the form and magnificence of a royal banquet.[27] The victor was respectfully served by the captive officers of the household; and in the moments of festivity, when the impartial spectators applauded the fortune and merit of Belisarius, his envious flatterers secretly shed their venom on every word and gesture which might alarm the suspicions of a jealous monarch. One day was given to these pompous scenes, which may not be despised as useless, if they attracted the popular veneration; but the active mind of Belisarius, which in the pride of victory could suppose a defeat, had already resolved that the Roman empire in Africa should not depend on the chance of arms or the favour of the people. The fortifications of Carthage had alone been exempted from the general proscription; but in the reign of ninety-five years they were suffered to decay by the thoughtless and indolent Vandals. A wiser conqueror restored with incredible dispatch the walls and ditches of the city. His liberality encouraged the workmen; the soldiers, the mariners, and the citizens, vied with each other in the salutary labour; and Gelimer, who had feared to trust his person in an open town, beheld with astonishment and despair the rising strength of an impregnable fortress.

[27] From Delphi, the name of Delphicum was given, both in Greek and Latin, to a tripod; and, by an easy analogy, the same appellation was extended at Rome, Constantinople, and Carthage, to the royal banqueting room (Procopius, Vandal. i. c. 21. Ducange, Gloss. Græc. p. 277, Δελφικόν, ad Alexiad. p. 412).

Final defeat of Gelimer and the Vandals. A.D. 533, November [December]

That unfortunate monarch, after the loss of his capital, applied himself to collect the remains of an army scattered, rather than destroyed, by the preceding battle; and the hopes of pillage attracted some Moorish bands to the standard of Gelimer. He encamped in the fields of Bulla, four days' journey from Carthage; insulted the capital, which he deprived of the use of an aqueduct; proposed an high reward for the head of every Roman; affected to spare the persons and property of his African subjects; and secretly negotiated with the Arian sectaries and the confederate Huns. Under these circumstances, the conquest of Sardinia served only to aggravate his distress; he reflected, with the deepest anguish, that he had wasted in that useless enterprise five thousand of his bravest troops; and he read,[28] with grief and shame, the victorious [Tzazo] letter of his brother Zano, who expressed a sanguine confidence that the king, after the example of their ancestors, had already chastised the rashness of the Roman invader. "Alas! my brother," replied Gelimer, "Heaven has declared against our unhappy nation. While you have subdued Sardinia, we have lost Africa. No sooner did Belisarius appear with a handful of soldiers than courage and prosperity deserted the cause of the Vandals. Your nephew Gibamund, your brother Ammatas, have been betrayed to death by the cowardice of their followers. Our horses, our ships, Carthage itself, and all Africa, are in the power of the enemy. Yet the Vandals still prefer an ignominious repose at the expense of their wives and children, their wealth and liberty. Nothing now remains, except the field of Bulla and the hope of your valour. Abandon Sardinia; fly to our relief; restore our empire, or perish by our side." On the receipt of this epistle, Zano imparted his grief to the principal Vandals; but the intelligence was prudently concealed from the natives of the island. The troops embarked in one hundred and twenty galleys at the port of Cagliari, cast anchor the third day on the confines of Mauritania, and hastily pursued their march to join the royal standard in the camp of Bulla. Mournful was the interview: the two brothers embraced; they wept in silence; no questions were asked of the Sardinian victory; no inquiries were made of the African misfortunes; they saw before their eyes the whole extent of their calamities; and the absence of their wives and children afforded a melancholy proof that either death or captivity had been their lot. The languid

[28] [He did not read it, for it had fallen into the hands of the Romans.]

spirit of the Vandals was at length awakened and united by the entreaties of their king, the example of Zano, and the instant danger which threatened their monarchy and religion. The military strength of the nation advanced to battle; and such was the rapid increase that, before their army reached Tricameron, about twenty miles from Carthage, they might boast, perhaps with some exaggeration, that they surpassed, in a tenfold proportion, the diminutive powers of the Romans. But these powers were under the command of Belisarius; and, as he was conscious of their superior merit, he permitted the Barbarians to surprise him at an unseasonable hour. The Romans were instantly under arms; a rivulet covered their front; the cavalry formed the first line, which Belisarius supported in the centre, at the head of five hundred guards; the infantry, at some distance, was posted in the second line; and the vigilance of the general watched the separate station and ambiguous faith of the Massagetæ, who secretly reserved their aid for the conquerors. The historian has inserted, and the reader may easily supply, the speeches [29] of the commanders, who, by arguments the most apposite to their situation, inculcated the importance of victory and the contempt of life. Zano, with the troops which had followed him to the conquest of Sardinia, was placed in the centre; and the throne of Genseric might have stood, if the multitude of Vandals had imitated their intrepid resolution. Casting away their lances and missile weapons, they drew their swords, and expected the charge; the Roman cavalry thrice passed the rivulet; they were thrice repulsed; and the conflict was firmly maintained, till Zano fell, and the standard of Belisarius was displayed. Gelimer retreated to his camp; the Huns joined the pursuit; and the victors despoiled the bodies of the slain. Yet no more than fifty Romans and eight hundred Vandals were found on the field of battle; so inconsiderable was the carnage of a day which extinguished a nation and transferred the empire of Africa. In the evening Belisarius led his infantry to the attack of the camp; and the pusillanimous flight of Gelimer exposed the vanity of his recent declarations that, to the vanquished, death was a relief, life a burthen, and infamy the only object of terror. His departure was secret; but, as soon as the Vandals discovered that their king had deserted them, they hastily dispersed, anxious only for their personal

[Battle of Tricamaron]

[29] These orations always express the sense of the times, and sometimes of the actors. I have condensed that sense, and thrown away declamation.

safety, and careless of every object that is dear or valuable to mankind. The Romans entered the camp without resistance; and the wildest scenes of disorder were veiled in the darkness and confusion of the night. Every Barbarian who met their swords was inhumanly massacred; their widows and daughters, as rich heirs or beautiful concubines, were embraced by the licentious soldiers; and avarice itself was almost satiated with the treasures of gold and silver, the accumulated fruits of conquest or economy in a long period of prosperity and peace. In this frantic search, the troops even of Belisarius forgot their caution and respect. Intoxicated with lust and rapine, they explored, in small parties, or alone, the adjacent fields, the woods, the rocks, and the caverns, that might possibly conceal any desirable prize; laden with booty, they deserted their ranks, and wandered, without a guide, on the high road to Carthage; and, if the flying enemies had dared to return, very few of the conquerors would have escaped. Deeply sensible of the disgrace and danger, Belisarius passed an apprehensive night on the field of victory; at the dawn of day he planted his standard on a hill, recalled his guards and veterans, and gradually restored the modesty and obedience of the camp. It was equally the concern of the Roman general to subdue the hostile, and to save the prostrate, Barbarian; and the suppliant Vandals, who could be found only in churches, were protected by his authority, disarmed, and separately confined, that they might neither disturb the public peace nor become the victims of popular revenge. After dispatching a light detachment to tread the footsteps of Gelimer, he advanced with his whole army, about ten days' march, as far as Hippo Regius, which no longer possessed the relics of St. Augustin.[30] The season, and the certain intelligence that the Vandal had fled to the inaccessible country of the Moors, determined Belisarius to relinquish the vain pursuit and to fix his winter-quarters at Carthage. From thence he dispatched his principal lieutenant,

[30] The relics of St. Augustin were carried by the African bishops to their Sardinian exile (A.D. 500); and it was believed in the viiith century that Liutprand, king of the Lombards, transported them (A.D. 721) from Sardinia to Pavia. In the year 1695, the Augustin friars of that city *found* a brick arch, marble coffin, silver case, silk wrapper, bones, blood, &c.; and, perhaps, an inscription of Agostin in Gothic letters. But this useful discovery has been disputed by reason and jealousy (Baronius, Annal. A.D. 725, No. 2-9. Tillemont, Mém. Ecclés. tom. xiii. p. 944. Montfaucon, Diarium Ital. p. 26-30. Muratori, Antiq. Ital. Medii Ævi, tom. v. dissert. lviii. p. 9, who had composed a separate treatise before the decree of the bishop of Pavia, and Pope Benedict XIII.).

inform the emperor that, in the space of three months, he had hieved the conquest of Africa.

Belisarius spoke the language of truth. The surviving Vandals elded, without resistance, their arms and their freedom; the eighbourhood of Carthage submitted to his presence; and the ore distant provinces were successively subdued by the report his victory. Tripoli was confirmed in her voluntary allegiance; rdinia and Corsica surrendered to an officer, who carried, in- ead of a sword, the head of the valiant Zano; and the isles of ajorca, Minorca, and Yvica, consented to remain an humble pendage of the African kingdom. Cæsarea, a royal city, which looser geography may be confounded with the modern Algiers, as situate thirty days' march to the westward of Carthage; by nd the road was infested by the Moors; but the sea was open, d the Romans were now masters of the sea. An active and screet tribune sailed as far as the Straits, where he occu- ed Septem or Ceuta,[31] which rises opposite to Gibraltar on the frican coast; that remote place was afterwards adorned and rtified by Justinian; and he seems to have indulged the vain nbition of extending his empire to the columns of Hercules. e received the messengers of victory at the time when he was eparing to publish the pandects of the Roman law; and the vout or jealous emperor celebrated the divine goodness, and nfessed in silence the merit of his successful general.[32] Im- tient to abolish the temporal and spiritual tyranny of the ndals, he proceeded, without delay, to the full establishment the Catholic church. Her jurisdiction, wealth, and im- nities, perhaps the most essential part of episcopal religion, ere restored and amplified with a liberal hand; the Arian wor- ip was suppressed; the Donatist meetings were proscribed;[33] d the synod of Carthage, by the voice of two hundred and venteen bishops,[34] applauded the just measure of pious retalia-

Conquest of Africa by Belisarius. A.D. 534

[31] Τὰ τῆς πολιτείας προοίμια, is the expression of Procopius (de Ædific. l. vi. c. 7). ita, which has been defaced by the Portuguese, flourished in nobles and palaces, agriculture and manufactures, under the more prosperous reign of the Arabs frique de Marmol, tom. ii. p. 236).

[32] See the second and third preambles to the Digest, or Pandects, promulgated . 533, December 16. To the titles of *Vandalicus* and *Africanus*, Justinian, or her Belisarius, had acquired a just claim: *Gothicus* was premature, and *Fran- us* false and offensive to a great nation.

[33] See the original acts in Baronius (A.D. 535, No. 21-54). The emperor applauds own clemency to the heretics, cum sufficiat eis vivere.

[34] Dupin (Geograph. Sacra Africana, p. lix. ad Optat. Milev.) observes and vails this episcopal decay. In the more prosperous age of the church, he had iced 690 bishopries; but, however minute were the dioceses, it is not probable t they all existed at the same time. [Morcelli, Africa Christiana, vol. i, merates 715 bishoprics, and observes (p. 372) that the list is not exhaustive.]

tion. On such an occasion, it may not be presumed that man orthodox prelates were absent; but the comparative smallnes of their number, which in ancient councils had been twice even thrice multiplied, most clearly indicates the decay both the church and state. While Justinian approved himself th defender of the faith, he entertained an ambitious hope that h victorious lieutenant would speedily enlarge the narrow limits his dominion to the space which they occupied before the invasio of the Moors and Vandals; and Belisarius was instructed establish five *dukes* or commanders in the convenient stations Tripoli, Leptis, Cirta, Cæsarea, and Sardinia, and to compute th military force of *palatines* or *borderers* that might be sufficient f the defence of Africa. The kingdom of the Vandals was not u worthy of the presence of a prætorian præfect; and four co sulars, three presidents, were appointed to administer the seve provinces under his civil jurisdiction. The number of their subo dinate officers, clerks, messengers, or assistants, was minute expressed; three hundred and ninety-six for the præfect himse fifty for each of his vicegerents; and the rigid definition of the fees and salaries was more effectual to confirm the right than prevent the abuse. These magistrates might be oppressive, b they were not idle; and the subtle questions of justice a revenue were infinitely propagated under the new governmen which professed to revive the freedom and equity of the Roma republic. The conqueror was solicitous to extract a prompt a plentiful supply from his African subjects; and he allowed the to claim, even in the third degree, and from the collateral lin the houses and lands of which their families had been unjust despoiled by the Vandals. After the departure of Belisariu who acted by an high and special commission, no ordinary pr vision was made for a master-general of the forces; but t office of Prætorian præfect was entrusted to a soldier; the ci and military powers were united, according to the practice Justinian, in the chief governor; and the representative of t emperor in Africa, as well as in Italy, was soon distinguished the appellation of Exarch.[35]

Distress and captivity of Gelimer. A.D. 534—the spring

Yet the conquest of Africa was imperfect, till her form sovereign was delivered either alive or dead into the hands the Romans. Doubtful of the event, Gelimer had given sec orders that a part of his treasure should be transported to Spa

[35] The African laws of Justinian are illustrated by his German biographer (C l. i. tit. 27. Novel. 36, 37, 131 [8, 34, 132, 140, 160, 169, ed. Zachariä]. Justinian. p. 349-377). [Cp. Appendix 19.]

here he hoped to find a secure refuge at the court of the king
f the Visigoths. But these intentions were disappointed by
cident, treachery, and the indefatigable pursuit of his enemies,
ho intercepted his flight from the sea-shore, and chased the
nfortunate monarch, with some faithful followers, to the in-
cessible mountain of Papua.[36] in the inland country of Numidia.
e was immediately besieged by Pharas, an officer whose truth
nd sobriety were the more applauded, as such qualities could
ldom be found among the Heruli, the most corrupt of the
arbarian tribes. To his vigilance Belisarius had entrusted this
nportant charge; and, after a bold attempt to scale the
ountain, in which he lost an hundred and ten soldiers, Pharas
xpected, during a winter siege, the operation of distress and
mine on the mind of the Vandal king. From the softest habits
pleasure, from the unbounded command of industry and wealth,
e was reduced to share the poverty of the Moors,[37] supportable
ly to themselves by their ignorance of a happier condition. In
eir rude hovels of mud and hurdles, which confined the smoke
nd excluded the light, they promiscuously slept on the ground,
rhaps on a sheep-skin, with their wives, their children, and
eir cattle. Sordid and scanty were their garments; the use
bread and wine was unknown; and their oaten or barley
kes, imperfectly baked in the ashes, were devoured almost in
crude state by the hungry savages. The health of Gelimer
ust have sunk under these strange and unwonted hardships,
om whatsoever cause they had been endured; but his actual
isery was embittered by the recollection of past greatness, the
ily insolence of his protectors, and the just apprehension that
e light and venal Moors might be tempted to betray the rights
hospitality. The knowledge of his situation dictated the
manе and friendly epistle of Pharas. "Like yourself," said
e chief of the Heruli, "I am an illiterate Barbarian, but I speak
e language of plain sense and an honest heart. Why will you
rsist in hopeless obstinacy? Why will you ruin yourself, your
mily, and nation? The love of freedom and abhorrence of
very? Alas! my dearest Gelimer, are you not already the

[36] Mount Papua is placed by d'Anville (tom. iii. p. 92, and Tabul. Imp. Rom.
cident.) near Hippo Regius and the sea; yet this situation ill agrees with the
g pursuit beyond Hippo and the words of Procopius (l. ii. c. 4), ἐν τοῖς Νουμιδίας
άτοις.

[37] Shaw (Travels, p. 220) most accurately represents the manners of the Bedo-
ens and Kabyles, the last of whom, by their language, are the remnant of the
oors; yet how changed—how civilized are these modern savages!—provisions
plenty among them, and bread is common.

worst of slaves, the slave of the vile nation of the Moors? Would it not be preferable to sustain at Constantinople a life of poverty and servitude, rather than to reign the undoubted monarch o the mountain of Papua? Do you think it a disgrace to be th subject of Justinian? Belisarius is his subject; and we ourselves whose birth is not inferior to your own, are not ashamed of ou obedience to the Roman emperor. That generous prince wil grant you a rich inheritance of lands, a place in the senate, an the dignity of Patrician: such are his gracious intentions, an you may depend with full assurance on the word of Belisarius So long as heaven has condemned us to suffer, patience is virtue; but, if we reject the proffered deliverance, it degenerate into blind and stupid despair." "I am not insensible," replie the king of the Vandals, "how kind and rational is your advice But I cannot persuade myself to become the slave of an unjus enemy, who has deserved my implacable hatred. *Him* I ha never injured either by word or deed; yet he has sent agains me, I know not from whence, a certain Belisarius, who has cas me headlong from the throne into this abyss of misery. Justinia is a man; he is a prince; does he not dread for himself a simila reverse of fortune? I can write no more: my grief oppresse me. Send me, I beseech you, my dear Pharas, send me a lyre,[38] a spunge, and a loaf of bread." From the Vandal messenge Pharas was informed of the motives of this singular request. I was long since the king of Africa had tasted bread; a defluxio had fallen on his eyes, the effect of fatigue or incessant weeping and he wished to solace the melancholy hours by singing to th lyre the sad story of his own misfortunes. The humanity Pharas was moved; he sent the three extraordinary gifts; bu even his humanity prompted him to redouble the vigilance his guard, that he might sooner compel his prisoner to embrac a resolution advantageous to the Romans, but salutary to himsel The obstinacy of Gelimer at length yielded to reason and neces sity; the solemn assurances of safety and honourable treatmen were ratified in the emperor's name, by the ambassador Belisarius; and the king of the Vandals descended from th mountain. The first public interview was in one of the suburb of Carthage; and, when the royal captive accosted his conquero he burst into a fit of laughter. The crowd might naturally be

[38] By Procopius it is styled a *lyre;* perhaps *harp* would have been mo national. The instruments of music are thus distinguished by Venantius Fort natus:

Romanusque *lyrâ* tibi plaudat, Barbarus *harpâ.*

ieve that extreme grief had deprived Gelimer of his senses; but n this mournful state unseasonable mirth insinuated to more ntelligent observers that the vain and transitory scenes of human reatness are unworthy of a serious thought.[39]

Their contempt was soon justified by a new example of a ulgar truth; that flattery adheres to power, and envy to uperior merit. The chiefs of the Roman army presumed to hink themselves the rivals of an hero. Their private dispatches naliciously affirmed that the conqueror of Africa, strong in his eputation and the public love, conspired to seat himself on the hrone of the Vandals. Justinian listened with too patient an ar; and his silence was the result of jealousy rather than of onfidence. An honourable alternative, of remaining in the rovince or of returning to the capital, was indeed submitted to he discretion of Belisarius; but he wisely concluded, from ntercepted letters and the knowledge of his sovereign's temper, hat he must either resign his head, erect his standard, or con- ound his enemies by his presence and submission. Innocence nd courage decided his choice: his guards, captives, and reasures were diligently embarked; and so prosperous was the avigation that his arrival at Constantinople preceded any certain ccount of his departure from the port of Carthage. Such un- uspecting loyalty removed the apprehensions of Justinian; envy vas silenced and inflamed by the public gratitude; and the hird Africanus obtained the honours of a triumph, a ceremony vhich the city of Constantine had never seen, and which ncient Rome, since the reign of Tiberius, had reserved for the *uspicious* arms of the Cæsars.[40] From the palace of Belisarius, he procession was conducted through the principal streets to the ippodrome; and this memorable day seemed to avenge the njuries of Genseric, and to expiate the shame of the Romans. The wealth of nations was displayed, the trophies of martial or neffeminate luxury: rich armour, golden thrones, and the chariots f state which had been used by the Vandal queen; the massy rniture of the royal banquet, the splendour of precious stones,

Return and triumph of Belisarius. A.D. 534, autumn

[39] Herodotus elegantly describes the strange effects of grief in another royal aptive, Psammetichus of Egypt, who wept at the lesser and was silent at the reatest of his calamities (l. iii. c. 14). In the interview of Paulus Æmilius and erseus, Belisarius might study his part; but it is probable that he never read ther Livy or Plutarch; and it is certain that his generosity did not need a tutor.

[40] After the title of *imperator* had lost the old military sense, and the Roman *uspices* were abolished by Christianity (see La Bléterie, Mém. de l'Académie, m. xxi. p. 302-332), a triumph might be given with less inconsistency to a private eneral.

the elegant forms of statues and vases, the more substantia
treasure of gold, and the holy vessels of the Jewish temple
which, after their long peregrination, were respectfully deposited
in the Christian church of Jerusalem. A long train of the nobles
Vandals reluctantly exposed their lofty stature and manly
countenance. Gelimer slowly advanced: he was clad in
purple robe, and still maintained the majesty of a king. Not
tear escaped from his eyes, not a sigh was heard; but his prid
or piety derived some secret consolation from the words o
Solomon,[41] which he repeatedly pronounced, VANITY! VANITY
ALL IS VANITY! Instead of ascending a triumphal car drawn b
four horses or elephants, the modest conqueror marched on foo
at the head of his brave companions: his prudence migh
decline an honour too conspicuous for a subject; and his magna
nimity might justly disdain what had been so often sullied b
the vilest of tyrants. The glorious procession entered the gat
of the hippodrome; was saluted by the acclamations of th
senate and people; and halted before the throne where Jus
tinian and Theodora were seated to receive the homage of th
captive monarch and the victorious hero. They both performe
the customary adoration, and, falling prostrate on the groun
respectfully touched the footstool of a prince who had not u
sheathed his sword, and of a prostitute who had danced on th
theatre; some gentle violence was used to bend the stubbor
spirit of the grandson of Genseric; and, however trained
servitude, the genius of Belisarius must have secretly rebelle

His sole consulship. A.D. 535, January 1

He was immediately declared consul for the ensuing year, an
the day of his inauguration resembled the pomp of a secon
triumph: his curule chair was borne aloft on the shoulders
captive Vandals; and the spoils of war, gold cups, and ric
girdles, were profusely scattered among the populace.

End of Gelimer and the Vandals

But the purest reward of Belisarius was in the faithful ex
cution of a treaty for which his honour had been pledged
the king of the Vandals. The religious scruples of Gelime
who adhered to the Arian heresy, were incompatible with th
dignity of senator or patrician; but he received from the em
peror an ample estate in the province of Galatia, where th
abdicated monarch retired with his family and friends, to a li

[41] If the Ecclesiastes be truly a work of Solomon, and not, like Prior's poem
pious and moral composition of more recent times, in his name, and on the subj
of his repentance. The latter is the opinion of the learned and free-spirited Grot
(Opp. Theolog. tom. i. p. 258); and indeed the Ecclesiastes and Proverbs disp
a larger compass of thought and experience than seem to belong either to a J
or a king.

f peace, of affluence, and perhaps of content.[42] The daughters f Hilderic were entertained with the respectful tenderness lue to their age and misfortune; and Justinian and Theodora ccepted the honour of educating and enriching the female lescendants of the great Theodosius. The bravest of the Vandal outh were distributed into five squadrons of cavalry, which dopted the name of their benefactor, and supported in the Persian wars the glory of their ancestors. But these rare excepions, the reward of birth or valour, are insufficient to explain he fate of a nation, whose numbers, before a short and bloodless var, amounted to more than six hundred thousand persons. After the exile of their king and nobles, the servile crowd might urchase their safety by abjuring their character, religion, and anguage; and their degenerate posterity would be insensibly ningled with the common herd of African subjects. Yet even n the present age, and in the heart of the Moorish tribes, a urious traveller has discovered the white complexion and long axen hair of a northern race;[43] and it was formerly believed hat the boldest of the Vandals fled beyond the power, or even he knowledge, of the Romans, to enjoy their solitary freedom n the shores of the Atlantic ocean.[44] Africa had been their mpire, it became their prison; nor could they entertain an hope, r even a wish, of returning to the banks of the Elbe, where heir brethren, of a spirit less adventurous, still wandered in heir native forests. It was impossible for cowards to surmount he barriers of unknown seas and hostile Barbarians; it was imossible for brave men to expose their nakedness and defeat efore the eyes of their countrymen, to describe the kingdoms hich they had lost, and to claim a share of the humble inheritnce which, in a happier hour, they had almost unanimously enounced.[45] In the country between the Elbe and the Oder, everal populous villages of Lusatia are inhabited by the Vandals:

[42] In the Bélisaire of Marmontel, the king and the conqueror of Africa meet, p, and converse, without recollecting each other. It is surely a fault of that mance, that not only the hero, but all to whom he had been so conspicuously nown, appear to have lost their eyes or their memory.

[43] Shaw, p. 59. Yet, since Procopius (l. ii. c. 13) speaks of a people of Mount tlas, as already distinguished by white bodies and yellow hair, the phænomenon hich is likewise visible in the Andes of Peru, Buffon, tom. iii. p. 504) may naturly be ascribed to the elevation of the ground and the temperature of the air.

[44] The geographer of Ravenna (l. iii. c. xi. p. 129, 130, 131. Paris, 1688) escribes the Mauritania *Gaditana* (opposite to Cadiz), ubi gens Vandalorum, a elisario devicta in Africâ, fugit, et nunquam comparuit.

[45] A single voice had protested, and Genseric dismissed, without a formal nswer, the Vandals of Germany; but those of Africa derided his prudence and fected to despise the poverty of their forests (Procopius, Vandal. l. i. c. 22).

they still preserve their language, their customs, and the purity of their blood; support with some impatience, the Saxon o Prussian yoke; and serve with secret and voluntary allegiance the descendant of their ancient kings, who in his garb and present fortune is confounded with the meanest of his vassals.[4] The name and situation of this unhappy people might indicate their descent from one common stock with the conquerors o Africa. But the use of a Sclavonian dialect more clearly re presents them as the last remnant of the new colonies, wh succeeded to the genuine Vandals, already scattered or destroyed in the age of Procopius.[47]

Manners and defeat of the Moors. A.D. 535

If Belisarius had been tempted to hesitate in his allegiance, h might have urged, even against the emperor himself, the indis pensable duty of saving Africa from an enemy more barbarou than the Vandals. The origin of the Moors is involved in dark ness; they were ignorant of the use of letters.[48] Their limit cannot be precisely defined: a boundless continent was opened to the Libyan shepherds; the change of seasons and pasture regulated their motions; and their rude huts and slender furni ture were transported with the same ease as their arms, thei families, and their cattle, which consisted of sheep, oxen, an camels.[49] During the vigour of the Roman power, they ob served a respectable distance from Carthage and the sea-shore under the feeble reign of the Vandals they invaded the cities o Numidia, occupied the sea-coast from Tangier to Cæsarea, an pitched their camps, with impunity, in the fertile province o Byzacium. The formidable strength and artful conduct o Belisarius secured the neutrality of the Moorish princes, whos

[46] From the mouth of the great elector (in 1687), Tollius describes the secre royalty and rebellious spirit of the Vandals of Brandenburgh, who could muste five or six thousand soldiers who had procured some cannon, &c. (Itinerar. Hur gar. p. 42, apud Dubos, Hist. de la Monarchie Françoise, tom. i. p. 182, 183 The veracity, not of the elector, but of Tollius himself, may justly be suspected [The (Teutonic) Vandals have, of course, nothing to do with the (Slavonic) Wends The confusion arose from a custom of mediæval writers to use *Vandali* to designat the Wends. Cp. the use of *Siculi* for the Szeklers of Transylvania.]

[47] Procopius (l. i. c. 22) was in total darkness—οὐδὲ μνήμη τις οὐδὲ ὄνομα ἐς ἐμ σώζεται. Under the reign of Dagobert (A.D. 630), the Sclavonian tribes of th Sorbi and Venedi already bordered on Thuringia (Mascou, Hist. of the German xv. 3, 4, 5).

[48] Sallust represents the Moors as a remnant of the army of Heracles (de Bel Jugurth. c. 21), and Procopius (Vandal. l. ii. c. 10) as the posterity of the Cananæan who fled from the robber Joshua (λῃστης). He quotes two columns, with a Pho nician inscription. I believe in the columns—I doubt the inscription—and I reje the pedigree.

[49] Virgil (Georgic. iii. 339) and Pomponius Mela (i. 8) describe the wanderin life of the African shepherds, similar to that of the Arabs and Tartars; and Sha (p. 222) is the best commentator on the poet and the geographer.

anity aspired to receive, in the emperor's name, the ensigns of heir regal dignity.[50] They were astonished by the rapid event, nd trembled in the presence of their conqueror. But his approaching departure soon relieved the apprehensions of a savage nd superstitious people; the number of their wives allowed hem to disregard the safety of their infant hostages; and, when he Roman general hoisted sail in the port of Carthage, he heard he cries, and almost beheld the flames, of the desolated province. Yet he persisted in his resolution; and, leaving only a part of his guards to reinforce the feeble garrisons, he entrusted he command of Africa to the eunuch Solomon,[51] who proved imself not unworthy to be the successor of Belisarius. In the rst invasion, some detachments, with two officers of merit, were urprised and intercepted; but Solomon speedily assembled his roops, marched from Carthage into the heart of the country, nd in two great battles destroyed sixty thousand of the Barbarians. The Moors depended on their multitude, their swiftness, nd their inaccessible mountains; and the aspect and smell of heir camels are said to have produced some confusion in the Roman cavalry.[52] But, as soon as they were commanded to ismount, they derided this contemptible obstacle; as soon as he columns ascended the hills, the naked and disorderly crowd vas dazzled by glittering arms and regular evolutions; and the henace of their female prophets was repeatedly fulfilled, that he Moors should be discomfited by a *beardless* antagonist. The ictorious eunuch advanced thirteen days' journey from Carthage, o besiege mount Aurasius,[53] the citadel, and at the same time he garden, of Numidia. That range of hills, a branch of the reat Atlas, contains within a circumference of one hundred and

[50] The customary gifts were a sceptre, a crown or cap, a white cloak, a figured nic and shoes, all adorned with gold and silver; nor were these precious metals ss acceptable in the shape of coin (Procop. Vandal. l. i. c. 25).

[51] See the African government and warfare of Solomon, in Procopius (Vandal. ii. c. 10, 11, 12, 13, 19, 20). He was recalled, and again restored; and his last ctory dates in the xiiith year of Justinian (A.D. 539). An accident in his childood had rendered him an eunuch (l. i. c. 11); the other Roman generals were nply furnished with beards, πώγωνος ἐμπιπλάμενοι (l. ii. c. 8).

[52] This natural antipathy of the horse for the camel is affirmed by the ancients Xenophon, Cyropæd. l. vi. p. 438; l. vii. p. 483, 492, edit. Hutchinson. Polyæn. ratagem. vii. 6. Plin. Hist. Nat. viii. 26. Ælian. de Natur. Animal. l. iii. c. 7); ut it is disproved by daily experience, and derided by the best judges, the Orientals Voyage d'Oléarius, p. 553).

[53] Procopius is the first who describes mount Aurasius (Vandal. l. ii. c. 13. De Edific. l. vi. c. 7). He may be compared with Leo Africanus (dell' Africa, parte v. Ramusio [Navigationi et Viaggi, 1563], tom. i. fol. 77 [leg. 71] recto), Marmol om. ii. p. 430), and Shaw (p. 56-59). [Cp. Diehl, L'Afrique byzant., p. 237 *sqq.*]

twenty miles, a rare variety of soil and climate; the intermediate valleys and elevated plains abound with rich pastures, perpetual streams, and fruits of a delicious taste and uncommon magnitude. This fair solitude is decorated with the ruins of Lambesa, a Roman city, once the seat of a legion, and the residence of forty thousand inhabitants. The Ionic temple of Æsculapius is encompassed with Moorish huts; and the cattle now graze in the midst of an amphitheatre, under the shade of Corinthian columns. A sharp perpendicular rock rises above the level of the mountain, where the African princes deposited their wives and treasures, and a proverb is familiar to the Arabs, that the man may eat fire who dares to attack the craggy cliffs and inhospitable natives of mount Aurasius. This hardy enterprise was twice attempted by the eunuch Solomon: from the first he retreated with some disgrace; and in the second, his patience and provisions were almost exhausted; and he must again have retired, if he had not yielded to the impetuous courage of his troops, who audaciously scaled, to the astonishment of the Moors, the mountain, the hostile camp, and the summit of the Geminian Rock. A citadel was erected to secure this important conquest, and to remind the Barbarians of their defeat; and, as Solomon pursued his march to [A.D. 539] the west, the long-lost province of Mauritanian Sitifi was again annexed to the Roman empire. The Moorish war continued several years after the departure of Belisarius; but the laurel which he resigned to a faithful lieutenant may be justly ascribed to his own triumph.

Neutrality of the Visigoths

The experience of past faults, which may sometimes correct the mature age of an individual, is seldom profitable to the successive generations of mankind. The nations of antiquity, careless of each other's safety, were separately vanquished and enslaved by the Romans. This awful lesson might have instructed the Barbarians of the West to oppose, with timely counsels and confederate arms, the unbounded ambition of Justinian. Yet the same error was repeated, the same consequences were felt, and the Goths, both of Italy and Spain, insensible of their approaching danger, beheld with indifference, and even with joy, the rapid downfall of the Vandals. After [A.D. 531] the failure of the royal line, Theudes, a valiant and powerful chief, ascended the throne of Spain, which he had formerly administered in the name of Theodoric and his infant grandson. Under his command the Visigoths besieged the fortress of Ceuta on the African coast; but, while they spent the Sabbath-day in peace and devotion, the pious security of their camp was invaded

by a sally from the town; and the king himself, with some difficulty and danger, escaped from the hands of a sacrilegious enemy.[54] It was not long before his pride and resentment were gratified by a suppliant embassy from the unfortunate Gelimer, who implored, in his distress, the aid of the Spanish monarch. But, instead of sacrificing these unworthy passions to the dictates of generosity and prudence, Theudes amused the ambassadors, till he was secretly informed of the loss of Carthage, and then dismissed them with obscure and contemptuous advice, to seek in their native country a true knowledge of the state of the Vandals.[55]

Conquests of the Romans in Spain. A.D. 550-620

The long continuance of the Italian war delayed the punishment of the Visigoths; and the eyes of Theudes were closed before they tasted the fruits of his mistaken policy. After his death, the sceptre of Spain was disputed by a civil war. The weaker candidate solicited the protection of Justinian, and ambitiously subscribed a treaty of alliance, which deeply wounded the independence and happiness of his country. Several cities, both on the ocean and the Mediterranean, were ceded to the Roman troops, who afterwards refused to evacuate those pledges, as it should seem, either of safety or payment; and, as they were fortified by perpetual supplies from Africa, they maintained their impregnable stations, for the mischievous purpose of inflaming the civil and religious factions of the Barbarians. Seventy years elapsed before this painful thorn could be extirpated from the bosom of the monarchy; and, as long as the emperors retained any share of these remote and useless possessions, their vanity might number Spain in the list of their provinces, and the successors of Alaric in the rank of their vassals.[56]

Belisarius threatens the Ostrogoths of Italy. A.D. 534

The error of the Goths who reigned in Italy was less excusable than that of their Spanish brethren, and their punishment was still more immediate and terrible. From a motive of private revenge, they enabled their most dangerous enemy to destroy their most valuable ally. A sister of the great Theodoric had been given in marriage to Thrasimond the African king:[57] on

[54] Isidor. Chron. p. 722, edit. Grot. Mariana, Hist. Hispan. l. v. c. 8, p. 173. Yet, according to Isidore, the siege of Ceuta and the death of Theudes happened A. Æ. H. 586, A.D. 548 [this is not implied by Isidore]; and the place was defended, not by the Vandals, but by the Romans. [Maximus of Saragossa (Chr. Min. ii. 221) puts the death of Theudes in A.D. 544.]

[55] Procopius, Vandal. l. i. c. 24.

[56] See the original Chronicle of Isidore, and the vth and vith books of the History of Spain by Mariana. The Romans were finally expelled by Suintila king of the Visigoths (A.D. 621-626), after their reunion to the Catholic church.

[57] See the marriage and fate of Amalafrida in Procopius (Vandal. l. i. c. 8, 9), and in Cassiodorius (Var. ix. 1) the expostulation of her royal brother. Compare likewise the Chronicle of Victor Tunnunensis.

this occasion, the fortress of Lilybæum [58] in Sicily was resigned to the Vandals; and the princess Amalafrida was attended by a martial train of one thousand nobles, and five thousand Gothic soldiers, who signalized their valour in the Moorish wars. Their merit was over-rated by themselves, and perhaps neglected by the Vandals; they viewed the country with envy, and the conquerors with disdain; but their real or fictitious conspiracy was prevented by a massacre; the Goths were oppressed, and the captivity of Amalafrida was soon followed by her secret and suspicious death. The eloquent pen of Cassiodorius was employed to reproach the Vandal court with the cruel violation of every social and public duty; but the vengeance which he threatened in the name of his sovereign might be derided with impunity, as long as Africa was protected by the sea, and the Goths were destitute of a navy. In the blind impotence of grief and indignation, they joyfully saluted the approach of the Romans, entertained the fleet of Belisarius in the ports of Sicily, and were speedily delighted or alarmed by the surprising intelligence that their revenge was executed beyond the measure of their hopes, or perhaps of their wishes. To their friendship the emperor was indebted for the kingdom of Africa, and the Goths might reasonably think that they were entitled to resume the possession of a barren rock, so recently separated as a nuptial gift from the island of Sicily. They were soon undeceived by the haughty mandate of Belisarius, which excited their tardy and unavailing repentance. "The city and promontory of Lilybæum," said the Roman general, "belonged to the Vandals, and I claim them by the right of conquest. Your submission may deserve the favour of the emperor; your obstinacy will provoke his displeasure, and must kindle a war that can terminate only in your utter ruin. If you compel us to take up arms, we shall contend, not to regain the possession of a single city, but to deprive you of all the provinces which you unjustly withhold from their lawful sovereign." A nation of two hundred thousand soldiers might have smiled at the vain menace of Justinian and his lieutenant; but a spirit of discord and disaffection prevailed in Italy, and the Goths supported, with reluctance, the indignity of a female reign.[59]

[58] Lilybæum was built by the Carthaginians, Olymp. xcv. 4; and in the first Punic war a strong situation and excellent harbour rendered that place an important object to both nations.

[59] Compare the different passages of Procopius (Vandal. l. ii. c. 5, Gothic. l. c. 3).

Government and death of Amalasontha queen of Italy. A.D. 522-534

The birth of Amalasontha, the regent and queen of Italy,[60] united the two most illustrious families of the Barbarians. Her mother, the sister of Clovis, was descended from the long-haired kings of the *Merovingian* race;[61] and the regal succession of the *Amali* was illustrated in the eleventh generation by her father, the great Theodoric, whose merit might have ennobled a plebeian origin. The sex of his daughter excluded her from the Gothic throne; but his vigilant tenderness for his family and his people discovered the last heir of the royal line, whose ancestors had taken refuge in Spain; and the fortunate Eutharic was suddenly exalted to the rank of a consul and a prince. He enjoyed only a short time the charms of Amalasontha, and the hopes of the succession; and his widow, after the death of her husband and father, was left the guardian of her son Athalaric, and the kingdom of Italy. At the age of about twenty-eight years, the endowments of her mind and person had attained their perfect maturity. Her beauty, which, in the apprehension of Theodora herself, might have disputed the conquest of an emperor, was animated by manly sense, activity, and resolution. Education and experience had cultivated her talents; her philosophic studies were exempt from vanity; and, though she expressed herself with equal elegance and ease in the Greek, the Latin, and the Gothic tongue, the daughter of Theodoric maintained in her counsels a discreet and impenetrable silence. By a faithful imitation of the virtues, she revived the prosperity, of his reign; while she strove, with pious care, to expiate the faults, and to obliterate the darker memory, of his declining age. The children of Boethius and Symmachus were restored to their paternal inheritance; her extreme lenity never consented to inflict any corporal or pecuniary penalties on her Roman subjects; and she generously despised the clamours of the Goths, who at the end of forty years still considered the people of Italy as their slaves or their enemies. Her salutary measures were directed by the wisdom, and celebrated by the eloquence, of Cassiodorius; she solicited and deserved the friendship of the emperor; and the kingdoms of Europe respected, both in peace and war, the majesty of the

[60] For the reign and character of Amalasontha, see Procopius (Gothic. l. i. c. 2, 4, and Anecdot. c. 16, with the notes of Alemannus), Cassiodorius (Var. viii. ix. and xi. 1), and Jornandes (de Rebus Geticis, c. 59, and De Successione Regnorum, in Muratori, tom. i. p. 241).

[61] The marriage of Theodoric with Audefleda, the sister of Clovis, may be placed the year 495, soon after the conquest of Italy (de Buat, Hist. des Peuples, tom. . p. 213). The nuptials of Eutharic and Amalasontha were celebrated in 515 Cassiodor. in Chron. p. 453).

Gothic throne. But the future happiness of the queen and o Italy depended on the education of her son, who was destined, by his birth, to support the different and almost incompatible characters of the chief of a Barbarian camp and the first magistrate of a civilized nation. From the age of ten years,[62] Athalaric was diligently instructed in the arts and sciences, either useful or ornamental for a Roman prince; and three venerable Goths were chosen to instil the principles of honour and virtue into the mind of their young king. But the pupil who is insensible of the benefits, must abhor the restraints, of education and the solicitude of the queen, which affection rendered anxious and severe, offended the untractable nature of her son and his subjects. On a solemn festival, when the Goths were assembled in the palace of Ravenna, the royal youth escaped from his mother's apartment, and, with tears of pride and anger, complained of a blow which his stubborn disobedience had provoked her to inflict. The Barbarians resented the indignity which had been offered to their king; accused the regent of conspiring against his life and crown; and imperiously demanded that the grandson of Theodoric should be rescued from the dastardly discipline of women and pedants, and educated, like a valiant Goth in the society of his equals and the glorious ignorance of his ancestors. To this rude clamour, importunately urged as the voice of the nation, Amalasontha was compelled to yield her reason and the dearest wishes of her heart. The king of Italy was abandoned to wine, to women, and to rustic sports; and the indiscreet contempt of the ungrateful youth betrayed the mischievous designs of his favourites and her enemies. Encompassed with domestic foes, she entered into a secret negotiation with the emperor Justinian; obtained the assurance of a friendly reception; and had actually deposited at Dyrrachium in Epirus a treasure of forty thousand pounds of gold. Happy would it have been for her fame and safety, if she had calmly retired from barbarous faction to the peace and splendour of Constantinople! But the mind of Amalasontha was inflamed by ambition and revenge; and, while her ships lay at anchor in the port, she waited for the success of a crime which her passions excused or applauded as an act of justice. Three of the most dangerous malecontents had been separately removed, under the pretence of trust and command, to the frontiers of Italy; they were assassinated by

[62] At the death of Theodoric, his grandson Athalaric is described by Procopius as a boy about eight years old— ὀκτὼ γεγονὼς ἔτη. Cassiodorius, with authority and reason, adds two years to his age—infantulum adhuc vix decennem.

er private emissaries; and the blood of these noble Goths ren-ered the queen-mother absolute in the court of Ravenna, and ıstly odious to a free people. But, if she had lamented the dis-rders of her son, she soon wept his irreparable loss; and the eath of Athalaric, who at the age of sixteen was consumed by rematurе intemperance, left her destitute of any firm support or egal authority. Instead of submitting to the laws of her country, hich held as a fundamental maxim that the succession could ever pass from the lance to the distaff, the daughter of Theo-oric conceived the impracticable design of sharing with one of er cousins the regal title, and of reserving in her own hands the ıbstance of supreme power. He received the proposal with rofound respect and affected gratitude; and the eloquent Cas-odorius announced to the senate and the emperor, that Amala-ontha and Theodatus had ascended the throne of Italy. His birth (for his mother was the sister of Theodoric) might be con-dered as an imperfect title; and the choice of Amalasontha was ore strongly directed by her contempt of his avarice and pusil-nimity, which had deprived him of the love of the Italians and ıe esteem of the Barbarians. But Theodatus was exasperated by ıe contempt which he deserved; her justice had repressed and proached the oppression which he exercised against his Tuscan eighbours; and the principal Goths, united by common guilt nd resentment, conspired to instigate his slow and timid dispo-tion. The letters of congratulation were scarcely dispatched efore the queen of Italy was imprisoned in a small island of the ke of Bolsena,[63] where, after a short confinement, she was rangled in the bath, by the order, or with the connivance, of ıe new king, who instructed his turbulent subjects to shed the ood of their sovereigns.

[Theodahad]

Her exile and death. A.D. 535, April 30

Justinian beheld with joy the dissensions of the Goths; and ıe mediation of an ally concealed and promoted the ambitious ews of the conqueror. His ambassadors, in their public audi-ıce, demanded the fortress of Lilybæum, ten Barbarian fugitives, nd a just compensation for the pillage of a small town on the lyrian borders; but they secretly negotiated with Theodatus betray the province of Tuscany, and tempted Amalasontha to

Belisarius invades and subdues Sicily A.D. 535, Dec. 31

[63] The lake, from the neighbouring towns of Etruria, was styled either Vulsinien- (now of Bolsena) or Tarquiniensis. It is surrounded with white rocks, and red with fish and wild-fowl. The younger Pliny (Epist. ii. 96) celebrates two ody islands that floated on its waters: if a fable, how credulous the ancients!— fact, how careless the moderns! Yet, since Pliny, the island may have been ed by new and gradual accessions.

extricate herself from danger and perplexity by a free surrender of the kingdom of Italy. A false and servile epistle was subscribed by the reluctant hand of the captive queen; but the confession of the Roman senators, who were sent to Constantinople, revealed the truth of her deplorable situation; and Justinian, by the voice of a new ambassador, most powerfully interceded for her life and liberty. Yet the secret instructions of the same minister were adapted to serve the cruel jealousy of Theodora, who dreaded the presence and superior charms of a rival: he prompted with artful and ambiguous hints the execution of a crime so useful to the Romans;[64] received the intelligence of her death with grief and indignation, and denounced, in his master's name, immortal war against the perfidious assassin. In Italy, as well as in Africa, the guilt of an usurper appeared to justify the arms of Justinian; but the forces which he prepared were insufficient for the subversion of a mighty kingdom, if their feeble numbers had not been multiplied by the name, the spirit, and the conduct of an hero. A chosen troop of guards, who served on horseback and were armed with lance and bucklers, attended the person of Belisarius; his cavalry was composed of two hundred Huns, three hundred Moors, and four thousand *confederates*, and the infantry consisted only of three thousand Isaurians. Steering the same course as in his former expedition, the Roman consul cast anchor before Catana in Sicily, to survey the strength of the island, and to decide whether he should attempt the conquest or peaceably pursue his voyage for the African coast. He found a fruitful land and a friendly people. Notwithstanding the decay of agriculture, Sicily still supplied the granaries of Rome; the farmers were graciously exempted from the oppression of military quarters, and the Goths who trusted the defence of the island to the inhabitants, had some reason to complain that their confidence was ungratefully betrayed. Instead of soliciting and expecting the aid of the king of Italy, they yielded to the first summons a cheerful obedience; and this province, the first fruits of the Punic wars, was again after a long separation, united to the Roman empire.[65] The Gothic garrison of Palermo, which alone attempted to resist, was

[64] Yet Procopius discredits his own evidence (Anecdot. c. 16), by confessing that in his public history he had not spoken the truth. [He could not speak it "from fear of Theodora" (δέει τῆς βασιλίδος), who was still alive.] See the Epistles from queen Gundelina to the empress Theodora (Var. x. 20, 21, 23), and observe the suspicious word (de illâ personâ, &c.) with the elaborate commentary of Buat (tom. x. p. 177-185).

[65] For the conquest of Sicily, compare the narrative of Procopius with the complaints of Totila (Gothic. l. i. c. 5; l. iii. c. 16). The Gothic queen had later relieved that thankless island (Var. ix. 10, 11).

educed, after a short siege, by a singular stratagem. Belisarius troduced his ships into the deepest recess of the harbour; their oats were laboriously hoisted with ropes and pulleys to the top- ast head, and he filled them with archers, who from that superior ation commanded the ramparts of the city. After this easy ough successful campaign, the conqueror entered Syracuse in iumph, at the head of his victorious bands, distributing gold edals to the people, on the day which so gloriously terminated e year of the consulship. He passed the winter season in the lace of ancient kings, amidst the ruins of a Grecian colony, hich once extended to a circumference of two and twenty iles;[66] but in the spring, about the festival of Easter, the pro- [End of March, A.D. 536] cution of his designs was interrupted by a dangerous revolt of e African forces. Carthage was saved by the presence of elisarius, who suddenly landed with a thousand guards.[67] Two ousand soldiers of doubtful faith returned to the standard of eir old commander; and he marched, without hesitation, above ty miles, to seek an enemy whom he affected to pity and spise. Eight thousand rebels trembled at his approach; they ere routed at the first onset by the dexterity of their master; d this ignoble victory would have restored the peace of Africa, the conqueror had not been hastily recalled to Sicily, to appease sedition which was kindled during his absence in his own mp.[68] Disorder and disobedience were the common malady the times; the genius to command and the virtue to obey ided only in the mind of Belisarius.

Reign and weakness of Theodatus, the Gothic king of Italy. A.D. 534, October—A.D 536, August

Although Theodatus descended from a race of heroes, he was norant of the art, and averse to the dangers, of war. Although had studied the writings of Plato and Tully, philosophy was apable of purifying his mind from the basest passions, avarice d fear. He had purchased a sceptre by ingratitude and mur- r; at the first menace of an enemy he degraded his own jesty, and that of a nation which already disdained their worthy sovereign. Astonished by the recent example of limer, he saw himself dragged in chains through the streets

[66] The ancient magnitude and splendour of the five quarters of Syracuse are neated by Cicero (in Verrem, actio ii. l. iv. c. 52, 53), Strabo (l. vi. p. 415 [2,]), and d'Orville (Sicula, tom. ii. p. 174-202). The new city, restored by ustus, shrunk towards the island.

[67] [This is an error. The number was a hundred.]

[68] Procopius (Vandal. l. ii. c. 14, 15) so clearly relates the return of Belisarius Sicily (p. 146, edit. Hoeschelii) that I am astonished at the strange misap- nension and reproaches of a learned critic (Oeuvres de la Mothe le Vayer, tom. p. 162, 163).

of Constantinople; the terrors which Belisarius inspired, we heightened by the eloquence of Peter, the Byzantine ambassado and that bold and subtle advocate persuaded him to sign treaty, too ignominious to become the foundation of a lastin peace. It was stipulated that in the acclamations of the Roma people the name of the emperor should be always proclaime before that of the Gothic king; and that, as often as the statu of Theodatus was erected in brass or marble, the divine imag of Justinian should be placed on its right hand. Instead of co ferring, the king of Italy was reduced to solicit, the honours the senate; and the consent of the emperor was made indispen able before he could execute, against a priest or senator, th sentence either of death or confiscation. The feeble monarc resigned the possession of Sicily; offered, as the annual mar of his dependence, a crown of gold, of the weight of three hu dred pounds; and promised to supply, at the requisition of h sovereign, three thousand Gothic auxiliaries for the service the empire. Satisfied with these extraordinary concessions, th successful agent of Justinian hastened his journey to Constan nople; but no sooner had he reached the Alban villa[69] than h was recalled by the anxiety of Theodatus; and the dialogue whi passed between the king and the ambassador deserves to b represented in its original simplicity. "Are you of opinion th the emperor will ratify this treaty? *Perhaps.* If he refuse what consequence will ensue? *War.* Will such a war be ju or reasonable? *Most assuredly: every one should act according his character.* What is your meaning? *You are a philosopher- Justinian is emperor of the Romans: it would ill become the disci of Plato to shed the blood of thousands in his private quarrel; t successor of Augustus should vindicate his rights, and recover by ar the ancient provinces of his empire.*" This reasoning might not co vince, but it was sufficient to alarm and subdue, the weakness Theodatus; and he soon descended to his last offer, that for th poor equivalent of a pension of forty-eight thousand poun sterling he would resign the kingdom of the Goths and Italian and spend the remainder of his days in the innocent pleasures philosophy and agriculture. Both treaties were entrusted the hands of the ambassador, on the frail security of an oa

[69] The ancient Alba was ruined in the first age of Rome. On the same spot, at least in the neighbourhood, successively arose, 1. The villa of Pompey, &c., 2 camp of the prætorian cohorts, 3. The modern episcopal city of Albanum or Alba (Procop. Goth. l. ii. c. 4. Cluver. Ital. Antiq. tom. ii. p. 914). [Inscriptions ha proved that the camp was not of prætorians, as Cluver guessed, but of the 2 Parthic legion. See C.I.L. xiv. p. 217. For the town of Albanum cp. Lib. Pont., 4

Walker & Boutall sc.

ot to produce the second till the first had been positively re-
cted. The event may be easily foreseen: Justinian required
d accepted the abdication of the Gothic king. His indefatig-
le agent returned from Constantinople to Ravenna, with ample
structions; and a fair epistle, which praised the wisdom and
nerosity of the royal philosopher, granted his pension, with
e assurance of such honours as a subject and a catholic might
joy, and wisely referred the final execution of the treaty to
e presence and authority of Belisarius. But, in the interval
suspense, two Roman generals, who had entered the province
Dalmatia, were defeated and slain by the Gothic troops.
om blind and abject despair, Theodatus capriciously rose to
oundless and fatal presumption,[70] and dared to receive with
enace and contempt the ambassador of Justinian, who claimed
s promise, solicited the allegiance of his subjects, and boldly
serted the inviolable privilege of his own character. The
arch of Belisarius dispelled this visionary pride; and, as the
st campaign[71] was employed in the reduction of Sicily, the
vasion of Italy is applied by Procopius to the second year of
e GOTHIC WAR.[72]

Belisarius invades Italy and reduces Naples. A.D. 536

After Belisarius had left sufficient garrisons in Palermo and
racuse, he embarked his troops at Messina, and landed them,
thout resistance, on the opposite shores of Rhegium. A Gothic
ince, who had married the daughter of Theodatus, was stationed
th an army to guard the entrance of Italy; but he imitated,
thout scruple, the example of a sovereign faithless to his public
d private duties. The perfidious Ebermor deserted with his [Evermud]
lowers to the Roman camp, and was dismissed to enjoy the
vile honours of the Byzantine court.[73] From Rhegium to
ples, the fleet and army of Belisarius, almost always in view

[70] A Sibylline oracle was ready to pronounce—Africâ captâ *mundus* cum nato
ibit; a sentence of portentous ambiguity (Gothic. l. i. c. 7), which has been
olished in unknown characters by Opsopæus, an editor of the oracles. The
e Maltret has promised a commentary; but all his promises have been vain and
tless. [Cp. Appendix 14.]

[71] In his chronology, imitated in some degree from Thucydides, Procopius begins
h spring the years of Justinian and of the Gothic war; and his first æra coin-
es with the first of April 535, and not 536, according to the Annals of Baronius
gi, Crit. tom. ii. p. 555, who is followed by Muratori and the editors of Sigonius).
in some passages we are at a loss to reconcile the dates of Procopius with him-
and with the Chronicle of Marcellinus.

[72] The series of the first Gothic war is represented by Procopius (l. i. c. 5-29; l.
c. 1-30; l. iii. c. 1) till the captivity of Vitiges. With the aid of Sigonius (Opp.
n. i. de Imp. Occident. l. xvii. xviii.) and Muratori (Annali d'Italia, tom. v.), I
e gleaned some few additional facts.

[73] Jornandes, de Rebus Geticis, c. 60, p. 702, edit. Grot. and tom. i. p. 221.
ratori, de Success. Regn. p. 241.

of each other, advanced near three hundred miles along the sea coast. The people of Bruttium, Lucania, and Campania, wh abhorred the name and religion of the Goths, embraced th specious excuse that their ruined walls were incapable of de fence; the soldiers paid a just equivalent for a plentiful market and curiosity alone interrupted the peaceful occupations of th husbandman or artificer. Naples, which has swelled to a grea and populous capital, long cherished the language and manner of a Grecian colony;[74] and the choice of Virgil had ennoble this elegant retreat, which attracted the lovers of repose an study, from the noise, the smoke, and the laborious opulenc of Rome.[75] As soon as the place was invested by sea and lanc Belisarius gave audience to the deputies of the people, wh exhorted him to disregard a conquest unworthy of his arms, t seek the Gothic king in a field of battle, and, after his victory to claim, as the sovereign of Rome, the allegiance of the de pendent cities. "When I treat with my enemies," replied th Roman chief, with an haughty smile, "I am more accustome to give than to receive counsel; but I hold in one hand inevit able ruin, and in the other, peace and freedom, such as Sicil now enjoys." The impatience of delay urged him to grant th most liberal terms; his honour secured their performance; bu Naples was divided into two factions; and the Greek democrac was inflamed by their orators, who, with much spirit and som truth, represented to the multitude that the Goths would punis their defection and that Belisarius himself must esteem the loyalty and valour. Their deliberations, however, were nc perfectly free: the city was commanded by eight hundre Barbarians, whose wives and children were detained at Ravenn as the pledge of their fidelity; and even the Jews, who wer rich and numerous, resisted, with desperate enthusiasm, th intolerant laws of Justinian. In a much later period, the ci cumference of Naples[76] measured only two thousand thre

[74] Nero (says Tacitus, Annal. xv. 35) Neapolim quasi Græcam urbem deleg One hundred and fifty years afterwards, in the time of Septimius Severus, t *Hellenism* of the Neapolitans is praised by Philostratus: γένος Ἕλληνες καὶ αστυκ ὄθεν και τας σπουδὰς τῶν λόγων Ἑλληνικοί εισι (Icon. l. i. p. 763, edit. Olear.).

[75] The otium of Naples is praised by the Roman poets, by Virgil, Horac Silius Italicus, and Statius (Cluver. Ital. Ant. l. iv. p. 1149, 1150). In an elega epistle (Sylv. l. iii. 5, p. 94-98, edit. Markland), Statius undertakes the difficult ta of drawing his wife from the pleasures of Rome to that calm retreat.

[76] This measure was taken by Roger I. after the conquest of Naples (A.D. 113 which he made the capital of his new kingdom (Giannone, Istoria Civile, tom. p. 169). That city, the third in Christian Europe, is now at least twelve miles

ndred and sixty-three paces:[77] the fortifications were defended precipices or the sea; when the aqueducts were intercepted, supply of water might be drawn from wells and fountains; d the stock of provisions was sufficient to consume the patience the besiegers. At the end of twenty days, that of Belisarius s almost exhausted, and he had reconciled himself to the grace of abandoning the siege, that he might march, before e winter season, against Rome and the Gothic king. But his xiety was relieved by the bold curiosity of an Isaurian, who plored the dry channel of an aqueduct, and secretly reported at a passage might be perforated to introduce a file of armed diers into the heart of the city. When the work had been ently executed, the humane general risked the discovery of secret, by a last and fruitless admonition of the impending nger. In the darkness of the night, four hundred Romans tered the aqueduct, raised themselves by a rope, which they tened to an olive tree, into the house or garden of a solitary tron, sounded their trumpets, surprised the sentinels, and gave mittance to their companions, who on all sides scaled the walls d burst open the gates of the city. Every crime which is nished by social justice, was practised as the rights of war; e Huns were distinguished by cruelty and sacrilege; and lisarius alone appeared in the streets and churches of Naples moderate the calamities which he predicted. "The gold and ver," he repeatedly exclaimed, "are the just rewards of your our. But spare the inhabitants, they are Christians, they are ppliants, they are now your fellow-subjects. Restore the ldren to their parents, the wives to their husbands; and shew m, by your generosity, of what friends they have obstinately prived themselves." The city was saved by the virtue and hority of its conqueror,[78] and, when the Neapolitans returned their houses, they found some consolation in the secret enjoy-nt of their hidden treasures. The Barbarian garrison enlisted the service of the emperor; Apulia and Calabria, delivered m the odious presence of the Goths, acknowledged his do-nion; and the tusks of the Calydonian boar, which were still

umference (Jul. Cæsar. Capaccii Hist. Neapol. l. i. p. 47), and contains more bitants (350,000) in a given space than any other spot in the known world.

[77] Not geometrical, but common, paces or steps of 22 French inches (d'Anville, ures Itinéraires, p. 7, 8): the 2363 do not make an English mile.

[78] Belisarius was reproved by Pope Sylverius for the massacre. He repeopled les, and imported colonies of African captives into Sicily, Calabria, and Apulia t. Miscell. l. xvi. in Muratori, tom. i. p. 106, 107).

shewn at Beneventum, are curiously described by the historian of Belisarius.[79]

Vitiges, king of Italy. A.D. 536, August—A.D. 540

The faithful soldiers and citizens of Naples had expected their deliverance from a prince, who remained the inactive and almost indifferent spectator of their ruin. Theodatus secured his person within the walls of Rome, while his cavalry advanced forty miles on the Appian way, and encamped in the Pomptine marshes which, by a canal of nineteen miles in length, had been recently drained and converted into excellent pastures.[80] But the principal forces of the Goths were dispersed in Dalmatia, Venetia, and Gaul; and the feeble mind of their king was confounded by the unsuccessful event of a divination, which seemed to presage the downfall of his empire.[81] The most abject slaves have arraigned the guilt or weakness of an unfortunate master. The character of Theodatus was rigorously scrutinized by a free and idle camp of Barbarians, conscious of their privilege and power; he was declared unworthy of his race, his nation, and his throne; and their general Vitiges, whose valour had been signalized in the Illyrian war, was raised with unanimous applause on the bucklers of his companions. On the first rumour, the abdicated monarch fled from the justice of his country; but he was pursued by private revenge. A Goth whom he had injured in his love overtook Theodatus on the Flaminian way, and, regardless of his unmanly cries, slaughtered him as he lay prostrate on the ground, like a victim (says the historian) at the foot of the altar. The choice of the people is the best and purest title to reign over them; yet such is the prejudice of every age, that Vitiges impatiently wished to return to Ravenna, where he might seize, with the reluctant hand of the daughter of Amalasontha, some faint shadow of hereditary right. A national council was immediately held, and the new monarch reconciled the impatient spirit of the Barbarians t

[79] Beneventum was built by Diomede, the nephew of Meleager. (Cluver. tom. i. p. 1195, 1196). The Calydonian hunt is a picture of savage life, Ovid. Metamorph. l. viii.). Thirty or forty heroes were leagued against a hog; the brutes (not the hog) quarrelled with a lady for the head.

[80] The *Decennovium* is strangely confounded by Cluverius (tom. ii. p. 1005) with the river Ufens. It was in truth a canal of nineteen miles, from Forum Appii to Terracina, on which Horace embarked in the night. The Decennovium which is mentioned by Lucan, Dion Cassius, and Cassiodorius, has been sufficiently ruined, restored, and obliterated (d'Anville Analyse de l'Italie, p. 185, &c.). [Cp. App. 8]

[81] A Jew gratified his contempt and hatred for *all* the Christians, by enclosing three bands, each of ten hogs, and discriminated by the names of Goths, Greeks and Romans. Of the first, almost all were found dead—almost all the second were alive—of the third, half died, and the rest lost their bristles. No unsuitable emblem of the event.

measure of disgrace which the misconduct of his predecessor ndered wise and indispensable. The Goths consented to treat in the presence of a victorious enemy; to delay till the ext spring the operations of offensive war; to summon their attered forces; to relinquish their distant possessions; and to ust even Rome itself to the faith of its inhabitants. Leuderis, an ged warrior, was left in the capital with four thousand soldiers, feeble garrison, which might have seconded the zeal, though it as incapable of opposing the wishes, of the Romans. But a omentary enthusiasm of religion and patriotism was kindled in eir minds. They furiously exclaimed that the apostolic throne ould no longer be profaned by the triumph or toleration of rianism; that the tombs of the Cæsars should no longer be ampled by the savages of the north; and, without reflecting at Italy must sink into a province of Constantinople, they fondly iled the restoration of a Roman emperor as a new æra of freedom d prosperity. The deputies of the pope and clergy, of the nate and people, invited the lieutenant of Justinian to accept eir voluntary allegiance, and to enter the city, whose gates ould be thrown open for his reception. As soon as Belisarius d fortified his new conquests, Naples and Cumæ, he advanced out twenty miles to the banks of the Vulturnus, contemplated the cayed grandeur of Capua, and halted at the separation of the atin and Appian ways. The work of the censor, after the inces- nt use of nine centuries, still preserved its primæval beauty, and t a flaw could be discovered in the large polished stones, of hich that solid though narrow road was so firmly compacted.[82] elisarius, however, preferred the Latin way, which, at a distance om the sea and the marshes, skirted in a space of one hundred and venty miles along the foot of the mountains. His enemies had sappeared; when he made his entrance through the Asinarian ate, the garrison departed without molestation along the Fla- inian way; and the city, after sixty years' servitude, was delivered om the yoke of the Barbarians. Leuderis alone, from a motive pride or discontent, refused to accompany the fugitives; and e Gothic chief, himself a trophy of the victory, was sent with e keys of Rome to the throne of the emperor Justinian.[83]

Belisarius enters Rome. A.D. 536, Dec. 10

[82] Bergier (Hist. des Grands Chemins des Romains, tom. i. p. 221-228, 440-444) amines the structure and materials, while d'Anville (Analyse de l'Italie, p. 200-3) defines the geographical line.

[83] Of the first recovery of Rome the *year* (536) is certain from the series of events, ther than from the corrupt, or interpolated, text of Procopius; the *month* ecember) is ascertained by Evagrius (l. iv. c. 19); and the *day* (the *tenth*) may

Siege of Rome by the Goths. A.D. 537, March

The first days, which coincided with the old Saturnalia, were devoted to mutual congratulation and the public joy; and the Catholics prepared to celebrate, without a rival, the approaching festival of the nativity of Christ. In the familiar conversation of an hero, the Romans acquired some notion of the virtues which history ascribed to their ancestors; they were edified by the apparent respect of Belisarius for the successor of St. Peter, and his rigid discipline secured in the midst of war the blessings of tranquillity and justice. They applauded the rapid success of his arms, which overran the adjacent country, as far as Narni, Perusia, and Spoleto; but they trembled, the senate, the clergy, and the unwarlike people, as soon as they understood that he had resolved, and would speedily be reduced, to sustain a siege against the powers of the Gothic monarchy. The designs of Vitiges were executed, during the winter season, with diligence and effect. From their rustic habitations, from their distant garrisons, the Goths assembled at Ravenna for the defence of their country; and such were their numbers that, after an army had been detached for the relief of Dalmatia, one hundred and fifty thousand fighting men marched under the royal standard. According to the degrees of rank or merit, the Gothic king distributed arms and horses, rich gifts, and liberal promises; he moved along the Flaminian way, declined the useless sieges of Perusia and Spoleto, respected the impregnable rock of Narni, and arrived within two miles of Rome at the foot of the Milvian bridge.[84] The narrow passage was fortified with a tower, and Belisarius had computed the value of the twenty days which must be lost in the construction of another bridge. But the consternation of the soldiers of the tower, who either fled or deserted, disappointed his hopes, and betrayed his person into the most imminent danger. At the head of one thousand horse, the Roman general sallied from the Flaminian gate to mark the ground of an advantageous position, and to survey the camp of the Barbarians; but, while he still believed them on the other side of the Tiber, he was suddenly encompassed and assaulted by their innumerable squadrons. The fat-

be admitted on the slight evidence of Nicephorus Callistus (l. xvii. c. 13). [And so Liber Pontificalis. But Evagrius gives the 9th. For the corrupt text of Procopius B. G. i. c. 14, see Comparetti's note in his edition, p. 112.] For this accurate chronology, we are indebted to the diligence and judgment of Pagi (tom. ii. p. 559, 560).

[84] [Procopius says "bridge over the Tiber at 14 stadia from Rome". This is probably the Milvian bridge (cp. Hodgkin, 4, 134). Gregorovius however thinks that Procopius has confused the Tiber with the Anio, and that Belisarius (who according to Procopius, marched though the Sabine territory) was all the time on the east bank.]

f Italy depended on his life; and the deserters pointed to the onspicuous horse, a bay,[85] with a white face, which he rode on nat memorable day. "Aim at the bay horse," was the universal ry. Every bow was bent, every javelin was directed against that ital object, and the command was repeated and obeyed by thou- ands who were ignorant of its real motive. The bolder Barbarians dvanced to the more honourable combat of swords and spears; nd the praise of an enemy has graced the fall of Visandus, the tandard-bearer,[86] who maintained his foremost station, till he was ierced with thirteen wounds, perhaps by the hand of Belisarius imself. The Roman general was strong, active, and dexterous; n every side he discharged his weighty and mortal strokes; his ithful guards imitated his valour and defended his person; and ne Goths, after the loss of a thousand men, fled before the arms f an hero. They were rashly pursued to their camp; and the omans, oppressed by multitudes, made a gradual, and at length precipitate, retreat to the gates of the city; the gates were shut [Porta Salaria] gainst the fugitives; and the public terror was increased by the eport that Belisarius was slain. His countenance was indeed dis- gured by sweat, dust, and blood; his voice was hoarse, his rength was almost exhausted; but his unconquerable spirit still emained; he imparted that spirit to his desponding companions; nd their last desperate charge was felt by the flying Barbarians, as a new army, vigorous and entire, had been poured from the city. he Flaminian gate was thrown open to a *real* triumph; but it Valour of Belisarius as not before Belisarius had visited every post, and provided for ne public safety, that he could be persuaded by his wife and iends to taste the needful refreshments of food and sleep. In ne more improved state of the art of war, a general is seldom re- uired, or even permitted, to display the personal prowess of a ldier; and the example of Belisarius may be added to the rare xamples of Henry IV., of Pyrrhus, and of Alexander.

After this first and unsuccessful trial of their enemies, the His defence of Rome hole army of the Goths passed the Tiber, and formed the [Early in March 537] ege of the city, which continued above a year, till their final

[85] An horse of a bay or red colour was styled φάλιος by the Greeks, balan by the rbarians, and spadix by the Romans. Honesti spadices, says Virgil (Georgic. l. 72, with the Observations of Martin and Heyne). Σπάδιξ or βάιον signifies a anch of the palm-tree, whose name, φοίνιξ, is synonymous to *red* (Aulus Gellius. 26).

[86] I interpret βανδαλάριος, not as a proper name, but an office, standard-bearer, om *bandum* (vexillum), a Barbaric word adopted by the Greeks and Romans aul Diacon. l. i. c. 20, p. 760. Grot. Nomina Gothica, p. 575. Ducange, Gloss. tin. tom. i. p. 539, 540). [But we should expect βανδοφόρος.]

departure. Whatever fancy may conceive, the severe compass of the geographer defines the circumference of Rome within a line of twelve miles and three hundred and forty-five paces; and that circumference, except in the Vatican, has invariably been the same from the triumph of Aurelian to the peaceful but obscure reign of the modern popes.[87] But in the day of her greatness, the space within her walls was crowded with habitations and inhabitants; and the populous suburbs, that stretched along the public roads, were darted like so many rays from one common centre. Adversity swept away these extraneous ornaments, and left naked and desolate a considerable part even of the seven hills. Yet Rome in its present state could send into the field above thirty thousand males of a military age;[88] and, notwithstanding the want of discipline and exercise, the far greater part, inured to the hardships of poverty, might be capable of bearing arms for the defence of their country and religion. The prudence of Belisarius did not neglect this important resource. His soldiers were relieved by the zeal and diligence of the people, who watched while *they* slept, and laboured while *they* reposed; he accepted the voluntary service of the bravest and most indigent of the Roman youth; and the companies of townsmen sometimes represented, in a vacant post, the presence of the troops which had been drawn away to more essential duties. But his just confidence was placed in the veterans who had fought under his banner in the Persian and African wars; and, although that gallant band was reduced to five thousand men, he undertook, with such contemptible numbers, to defend a circle of twelve miles, against an army of one hundred and fifty thousand Barbarians. In the walls of Rome, which Belisarius constructed or restored, the materials of ancient architecture may be discerned;[89] and the whole fortification was completed, except in a chasm still extant between the Pincian and Flaminian gates, which the prejudices of the Goths and

[87] M. d'Anville has given, in the Mémoires of the Academy for the year 1756 (tom. xxx. p. 198-236), a plan of Rome on a smaller scale, but far more accurate than that which he had delineated in 1738 for Rollin's history. Experience had improved his knowledge; and, instead of Rossi's topography, he used the new and excellent map of Nolli. Pliny's old measure of xiii must be reduced to viii miles. It is easier to alter a text than to remove hills or buildings. [The change is unnecessary.]

[88] In the year 1709, Labat (Voyages en Italie, tom. iii. p. 218) reckoned 138,568 Christian souls, besides 8000 or 10,000 Jews—without souls?—In the year 1763, the numbers exceeded 160,000.

[89] The accurate eye of Nardini (Roma Antica, l. i. c. viii. p. 31) could distinguish the tumultuarie opere di Belisario.

omans left under the effectual guard of St. Peter the apostle.[90] he battlements or bastions were shaped in sharp angles; a tch, broad and deep, protected the foot of the rampart; and e archers on the rampart were assisted by military engines: the *lista*, a powerful cross-bow, which darted short but massy rows; the *onagri*, or wild asses, which, on the principle of a ng, threw stones and bullets of an enormous size.[91] A chain as drawn across the Tiber; the arches of the aqueducts were ade impervious, and the mole or sepulchre of Hadrian[92] was nverted, for the first time, to the uses of a citadel. That nerable structure, which contained the ashes of the Antonines, as a circular turret, rising from a quadrangular basis: it was vered with the white marble of Paros, and decorated by the atues of gods and heroes; and the lover of the arts must read th a sigh that the works of Praxiteles or Lysippus were torn om their lofty pedestals, and hurled into the ditch on the heads the besiegers.[93] To each of his lieutenants Belisarius assigned e defence of a gate with the wise and peremptory instruction at, whatever might be the alarm, they should steadily adhere their respective posts and trust their general for the safety of ome. The formidable host of the Goths was insufficient to brace the ample measure of the city; of the fourteen gates, ven only were invested from the Prænestine to the Flaminian y;[94] and Vitiges divided his troops into six camps, each of

[90] The fissure and leaning in the upper part of the wall, which Procopius observed (Goth. l. i. c. 13), is visible to the present hour (Donat. Roma Vetus, l. i. c. p. 53, 54). [This bit is known as the Muro Torto.]

[91] Lipsius (Opp. tom. iii. Poliorcet. l. iii.) was ignorant of this clear and continuous passage of Procopius (Goth. l. i. c. 21). The engine was named ὄναγρος, wild ass, a calcitrando (Hen. Steph. Thesaur. Linguæ Græc. tom. ii. p. 1340, 1, tom. iii. p. 877). I have seen an ingenious model, contrived and executed General Melville, which imitates or surpasses the art of antiquity.

[92] The description of this mausoleum, or mole, in Procopius (l. i. c. 25) is the and best. The height above the walls σχεδὸν ἐς λίθου βολήν [not the height, but length of each of the sides]. On Nolli's great plan, the sides measure 260 glish feet.

[93] Praxiteles excelled in Fauns, and that of Athens was his own masterpiece. ne now contains above thirty of the same character. When the ditch of St. gelo was cleansed under Urban VIII. the workmen found the sleeping Faun of Barberini palace; but a leg, a thigh, and the right arm had been broken from beautiful statue (Winckelmann, Hist. de l'Art, tom. ii. p. 52, 53; tom. iii. p.). [The Dancing Faun, now at Florence, was also found here.]

[94] [The six camps of the Goths invested according to Procopius "five gates," n P. Flaminia to P. Prænestina, the intervening being P. Salaria, P. Nomena (close to modern P. Pia) and P. Tiburtina (P. San Lorenzo). He does not ude the P. Pinciana, which was only a postern. But he might have included P. Labicana, which was adjacent to the P. Prænestina (together they form the lern P. Maggiore); as the camp which invested the one invested the other. Mr. I. Parker in his Archæology of Rome has sought to determine the positions of camps, which are also discussed by Mr. Hodgkin (4, p. 146 *sqq.*).]

which was fortified with a ditch and rampart. On the Tuscan side of the river, a seventh encampment was formed in the field or circus of the Vatican, for the important purpose of commanding the Milvian bridge and the course of the Tiber; but they approached with devotion the adjacent church of St. Peter; and the threshold of the holy apostles was respected during the siege by a Christian enemy. In the ages of victory, as often as the senate decreed some distant conquest, the consul denounced hostilities, by unbarring in solemn pomp the gates of the temple of Janus.[95] Domestic war now rendered the admonition superfluous, and the ceremony was superseded by the establishment of a new religion. But the brazen temple of Janus was left standing in the forum; of a size sufficient only to contain the statue of the god, five cubits in height, of a human form, but with two faces, directed to the east and west. The double gates were likewise of brass; and a fruitless effort to turn them on their rusty hinges revealed the scandalous secret that some Romans were still attached to the superstition of their ancestors.

Repulses a general assault of the Goths

Eighteen days were employed by the besiegers to provide all the instruments of attack which antiquity had invented. Fascines were prepared to fill the ditches, scaling ladders to ascend the walls. The largest trees of the forest supplied the timbers of four battering rams; their heads were armed with iron; they were suspended by ropes, and each of them was worked by the labour of fifty men. The lofty wooden turrets moved on wheels or rollers, and formed a spacious platform of the level of the rampart. On the morning of the nineteenth day, a general attack was made from the Prænestine gate to the Vatican: seven Gothic columns, with their military engines, advanced to the assault; and the Romans who lined the ramparts listened with doubt and anxiety to the cheerful assurances of their commander. As soon as the enemy approached the ditch, Belisarius himself drew the first arrow and such was his strength and dexterity that he transfixed the foremost of the Barbarian leaders. A shout of applause and victory was re-echoed along the wall. He drew a second arrow and the stroke was followed with the same success and the same acclamation. The Roman general then gave the word that the archers should aim at the teams of oxen; they were

[95] Procopius has given the best description of the temple of Janus, a national deity of Latium (Heyne, Excurs. v. ad l. vii. Æneid.). It was once a gate in the primitive city of Romulus and Numa (Nardini, p. 13, 256, 329). Virgil has described the ancient rite, like a poet and an antiquarian.

stantly covered with mortal wounds; the towers which they ew remained useless and immoveable, and a single moment sconcerted the laborious projects of the king of the Goths. fter this disappointment, Vitiges still continued, or feigned continue, the assault of the Salarian gate, that he might vert the attention of his adversary, while his principal forces ore strenuously attacked the Prænestine gate and the sepulchre [Porta Maggiore] Hadrian, at the distance of three miles from each other. ear the former, the double walls of the Vivarium [96] were low broken; the fortifications of the latter were feebly guarded; e vigour of the Goths was excited by the hope of victory and oil; and, if a single post had given way, the Romans, and ome itself, were irrecoverably lost. This perilous day was e most glorious in the life of Belisarius. Amidst tumult and smay, the whole plan of the attack and defence was distinctly esent to his mind; he observed the changes of each instant, eighed every possible advantage, transported his person to e scenes of danger, and communicated his spirit in calm and cisive orders. The contest was fiercely maintained from the orning to the evening; the Goths were repulsed on all sides, d each Roman might boast that he had vanquished thirty rbarians, if the strange disproportion of numbers were not unterbalanced by the merit of one man. Thirty thousand oths, according to the confession of their own chiefs, perished this bloody action; and the multitude of the wounded was ual to that of the slain. When they advanced to the assault, eir close disorder suffered not a javelin to fall without effect; d, as they retired, the populace of the city joined the pursuit, d slaughtered, with impunity, the backs of their flying enemies. elisarius instantly sallied from the gates; and, while the His sallies diers chaunted his name and victory, the hostile engines of r were reduced to ashes. Such was the loss and consternation the Goths that, from this day, the siege of Rome degenerated o a tedious and indolent blockade; and they were incessantly rassed by the Roman general, who in frequent skirmishes stroyed above five thousand of their bravest troops. Their valry was unpractised in the use of the bow; their archers rved on foot; and this divided force was incapable of con- nding with their adversaries, whose lances and arrows, at a

[96] *Vivarium* was an angle in the new wall inclosed for wild beasts (Procopius, th. l. i. c. 23). The spot is still visible in Nardini (l. iv. c. 2, p. 159, 160) Nolli's great plan of Rome. [The Vivarium was probably between the wall the Via Labicana, close to the Porta Maggiore.]

distance or at hand, were alike formidable. The consummate skill of Belisarius embraced the favourable opportunities; and, as he chose the ground and the moment, as he pressed the charge or sounded the retreat,[97] the squadrons which he detached were seldom unsuccessful. These partial advantages diffused an impatient ardour among the soldiers and people, who began to feel the hardships of a siege, and to disregard the dangers of a general engagement. Each plebeian conceived himself to be an hero, and the infantry, who, since the decay of discipline, were rejected from the line of battle, aspired to the ancient honours of the Roman legion. Belisarius praised the spirit of his troops, condemned their presumption, yielded to their clamours, and prepared the remedies of a defeat, the possibility of which he alone had courage to suspect. In the quarter of the Vatican, the [May (?) 537] Romans prevailed; and, if the irreparable moments had not been wasted in the pillage of the camp, they might have occupied the Milvian bridge, and charged in the rear of the Gothic host. On the other side of the Tiber, Belisarius advanced from the Pincian[98] and Salarian gates. But his army, four thousand soldiers perhaps, was lost in a spacious plain; they were encompassed and oppressed by fresh multitudes, who continually relieved the broken ranks of the Barbarians. The valiant leaders of the infantry were unskilled to conquer; they died; the retreat (an hasty retreat) was covered by the prudence of the general, and the victors started back with affright from the formidable aspect of an armed rampart. The reputation of Belisarius was unsullied by a defeat; and the vain confidence of the Goths was not less serviceable to his designs than the repentance and modesty of the Roman troops.[99]

Distress of the city

From the moment that Belisarius had determined to sustain a siege, his assiduous care provided Rome against the danger of famine, more dreadful than the Gothic arms. An extraordinary supply of corn was imported from Sicily; the harvests of Campania and Tuscany were forcibly swept for the use of the city; and the rights of private property were infringed by the strong

[97] For the Roman trumpet and its various notes, consult Lipsius, de Militiâ Romanâ (Opp. tom. iii. l. iv. Dialog. x. p. 125-129). A mode of distinguishing the *charge* by the horse-trumpet of solid brass, and the *retreat* by the foot-trumpet of leather and light wood, was recommended by Procopius, and adopted by Belisarius (Goth. l. ii. c. 23).

[98] [The Pincian was a small gate between the Flaminian and Salarian Gates; it is almost always spoken of by Procopius as a πυλίς or postern.]

[99] [This battle took place *after* the arrival of the reinforcements under Martin and Valerian, which is recounted below.]

lea of the public safety. It might easily be foreseen that the nemy would intercept the aqueducts; and the cessation of the ater-mills was the first inconvenience, which was speedily moved by mooring large vessels, and fixing mill-stones, in the rrent of the river. The stream was soon embarrassed by the unks of trees, and polluted with dead bodies; yet so effectual ere the precautions of the Roman general that the waters of ne Tiber still continued to give motion to the mills and drink to ne inhabitants; the more distant quarters were supplied from omestic wells; and a besieged city might support, without npatience, the privation of her public baths. A large portion f Rome, from the Prænestine gate to the church of St. Paul, as never invested by the Goths; their excursions were restrained y the activity of the Moorish troops; the navigation of the iber, and the Latin, Appian, and Ostian ways, were left free nd unmolested for the introduction of corn and cattle, or the treat of the inhabitants, who sought a refuge in Campania or icily. Anxious to relieve himself from an useless and devouring ultitude, Belisarius issued his peremptory orders for the instant eparture of the women, the children, and slaves; required his oldiers to dismiss their male and female attendants; and regu- ted their allowance, that one moiety should be given in provi- ons and the other in money. His foresight was justified by the crease of the public distress, as soon as the Goths had occupied vo important posts in the neighbourhood of Rome. By the loss [On 21st day of the siege] f the port, or, as it is now called, the city of Porto, he was eprived of the country on the right of the Tiber, and the best ommunication with the sea; and he reflected with grief and nger, that three hundred men, could he have spared such a eble band, might have defended its impregnable works. Seven iles from the capital, between the Appian and the Latin ways, vo principal aqueducts crossing, and again crossing each other, closed within their solid and lofty arches a fortified space,[100] here Vitiges established a camp of seven thousand Goths to

[100] Procopius (Goth. l. ii. c. 3) has forgot to name these aqueducts; nor can such double intersection, at such a distance from Rome, be clearly ascertained from e writings of Frontinus, Fabretti, and Eschinard, de Aquis and de Agro Romano, from the local maps of Lameti and Cingolani. Seven or eight miles from the y (50 stadia), on the road to Albano, between the Latin and Appian ways, I scern the remains of an aqueduct (probably the Septimian), a series (630 paces) arches twenty-five feet high (ὑψηλὼ ἐς ἄγαν). [The two aqueducts are obviously e Anio Novus + Claudia and the Marcia + Julia Tepula, which cross each other ice, and so enclose a space, near the Torre Fiscale on the Via Latina, at about ree and a half miles from Rome. The only difficulty is that Procopius gives the stance from Rome as 50 stadia.]

intercept the convoys of Sicily and Campania. The granaries of Rome were insensibly exhausted, the adjacent country had been wasted with fire and sword; such scanty supplies as might yet be obtained by hasty excursions were the reward of valour and the purchase of wealth: the forage of the horses and the bread of the soldiers never failed; but in the last months of the siege the people were exposed to the miseries of scarcity, unwholesome food,[101] and contagious disorders. Belisarius saw and pitied their sufferings; but he had foreseen, and he watched, the decay of their loyalty and the progress of their discontent. Adversity had awakened the Romans from the dreams of grandeur and freedom, and taught them the humiliating lesson that it was of small moment to their real happiness whether the name of their master was derived from the Gothic or the Latin language. The lieutenant of Justinian listened to their just complaints, but he rejected with disdain the idea of flight or capitulation; repressed their clamorous impatience for battle; amused them with the prospect of sure and speedy relief; and secured himself and the city from the effects of their despair or treachery. Twice in each month he changed the station of the officers to whom the custody of the gates was committed; the various precautions of patrols, watch-words, lights, and music were repeatedly employed to discover whatever passed on the ramparts; out-guards were posted beyond the ditch, and the trusty vigilance of dogs supplied the more doubtful fidelity of mankind. A letter was intercepted, which assured the king of the Goths that the Asinarian gate, adjoining to the Lateran church, should be secretly opened to his troops. On the proof or suspicion of treason, several senators were banished, and the pope Sylverius was summoned to attend the representative of his sovereign, at his head-quarters in the Pincian palace.[102] The ecclesiastics who followed their bishop were detained in the first or second apartment,[103] and he alone was admitted to the presence of Belisarius. The conqueror of

Exile of Pope Sylverius. A.D. 537, Nov. 17 [18]

[101] They made sausages, ἀλλᾶντας, of mules' flesh: unwholesome, if the animals had died of the plague. Otherwise the famous Bologna sausages are said to be made of ass flesh (Voyages de Labat, tom. ii. p. 218).

[102] The name of the palace, the hill, and the adjoining gate, were all derived from the senator Pincius. Some recent vestiges of temples and churches are now smoothed in the garden of the Minims of the Trinità del Monte (Nardini, l. iv. c. 7, p. 196, Eschinard, p. 209, 210, the old plan of Buffalino, and the great plan of Nolli). Belisarius had fixed his station between the *Pincian* and Salarian gates (Procop. Goth. l. i. c. 15).

[103] From the mention of the primum et secundum velum, it should seem that Belisarius, even in a siege, represented the emperor, and maintained the proud ceremonial of the Byzantine palace.

ome and Carthage was modestly seated at the feet of Antonina, no reclined on a stately couch; the general was silent, but the ice of reproach and menace issued from the mouth of his im- rious wife. Accused by credible witnesses, and the evidence his own subscription, the successor of St. Peter was despoiled of s pontifical ornaments, clad in the mean habit of a monk, and nbarked without delay for a distant exile in the East. At the nperor's command, the clergy of Rome proceeded to the choice a new bishop; and, after a solemn invocation of the Holy nost, elected the deacon Vigilius, who had purchased the papal rone by a bribe of two hundred pounds of gold. The profit, [£8000] d consequently the guilt, of this simony was imputed to Belisa- s; but the hero obeyed the orders of his wife; Antonina rved the passions of the empress; and Theodora lavished her easures, in the vain hope of obtaining a pontiff hostile or different to the council of Chalcedon.[104]

The epistle of Belisarius to the emperor announced his victory, Deliverance of the city danger, and his resolution. "According to your commands, have entered the dominions of the Goths, and reduced to ur obedience Sicily, Campania, and the city of Rome; but the s of these conquests will be more disgraceful than their ac- isition was glorious. Hitherto we have successfully fought ainst the multitude of the Barbarians, but their multitudes y finally prevail. Victory is the gift of Providence, but the putation of kings and generals depends on the success or the lure of their designs. Permit me to speak with freedom: if u wish that we should live, send us subsistence; if you desire at we should conquer, send us arms, horses, and men. The mans have received us as friends and deliverers; but, in our esent distress, *they* will be either betrayed by their confidence we shall be oppressed by *their* treachery and hatred. For rself, my life is consecrated to your service: it is yours to re- ct, whether my death in this situation will contribute to the ry and prosperity of your reign." Perhaps that reign would ve been equally prosperous, if the peaceful master of the East d abstained from the conquest of Africa and Italy; but, as stinian was ambitious of fame, he made some efforts, they were ble and languid, to support and rescue his victorious general.

[104] Of this act of sacrilege, Procopius (Goth. l. i. c. 25) is a dry and reluctant ness. The narratives of Liberatus (Breviarium, c. 22) and Anastasius (de Vit. t. p. 39) are characteristic, but passionate. Hear the execrations of Cardinal onius (A.D. 536, No. 123; A.D. 538, No. 4-20): portentum, facinus omni cratione dignum.

A reinforcement of sixteen hundred Sclavonians and Huns wa
led by Martin and Valerian; and, as they had reposed durin
the winter season in the harbours of Greece, the strength of th
men and horses was not impaired by the fatigues of a sea-voyage
[41st day of siege; April 537] and they distinguished their valour in the first sally against th
besiegers. About the time of the summer solstice, Euthaliu
landed at Terracina with large sums of money for the paymen
of the troops; he cautiously proceeded along the Appian way
and this convoy entered Rome through the gate Capena,[105]
while Belisarius, on the other side, diverted the attention of th
Goths by a vigorous and successful skirmish. These seasonabl
aids, the use and reputation of which were dexterously manage
by the Roman general, revived the courage, or at least the hope
of the soldiers and people. The historian Procopius was di
patched with an important commission, to collect the troops an
provisions which Campania could furnish or Constantinople ha
sent; and the secretary of Belisarius was soon followed b
Antonina herself,[106] who boldly traversed the posts of the enemy
and returned with the Oriental succours to the relief of he
husband and the besieged city. A fleet of three thousan
Isaurians cast anchor in the bay of Naples, and afterwards at Osti
Above two thousand horse, of whom a part were Thracian
landed at Tarentum; and, after the junction of five hundre
soldiers of Campania, and a train of waggons laden with wi
and flour, they directed their march on the Appian way, fro
Capua to the neighbourhood of Rome. The forces that arrive
by land and sea were united at the mouth of the Tiber. A
tonina convened a council of war: it was resolved to surmoun
with sails and oars, the adverse stream of the river; and th
Goths were apprehensive of disturbing, by any rash hostilitie
the negotiation to which Belisarius had craftily listened. The
credulously believed that they saw no more than the vanguard
a fleet and army, which already covered the Ionian sea and th
plains of Campania; and the illusion was supported by th
haughty language of the Roman general, when he gave audien
to the ambassadors of Vitiges. After a specious discourse
vindicate the justice of his cause, they declared that, for the sa

[105] The old Capena was removed by Aurelian to, or near, the modern gate
St. Sebastian (see Nolli's plan). That memorable spot has been consecrated
the Egerian grove, the memory of Numa, triumphal arches, the sepulchres
the Scipios, Metelli, &c.

[106] The expression of Procopius has an invidious cast—τύχην ἐκ τοῦ ἀσφαλοῦς
σφίσι συμβησομένην καραδοκεῖν (Goth. l. ii. c. 4). Yet he is speaking of a woman.

peace, they were disposed to announce the possession of Sicily. he emperor is not less generous," replied his lieutenant, with a dainful smile, "in return for a gift which you no longer possess; presents you with an ancient province of the empire; he gns to the Goths the sovereignty of the British island." isarius rejected with equal firmness and contempt the offer of ibute; but he allowed the Gothic ambassadors to seek their from the mouth of Justinian himself; and consented, with [Dec. 21, 537] ming reluctance, to a truce of three months, from the winter tice to the equinox of spring. Prudence might not safely st either the oaths or hostages of the Barbarians, but the con- us superiority of the Roman chief was expressed in the distri- ion of his troops. As soon as fear or hunger compelled the Belisarius recovers many cities of Italy hs to evacuate Alba, Porto, and Centumcellæ, their place was antly supplied; the garrisons of Narni, Spoleto, and Perusia, e reinforced, and the seven camps of the besiegers were dually encompassed with the calamities of a siege. The yers and pilgrimage of Datius, bishop of Milan, were not hout effect; and he obtained one thousand Thracians and rians, to assist the revolt of Liguria against her Arian tyrant. the same time, John the Sanguinary,[107] the nephew of lian, was detached with two thousand chosen horse, first to a on the Fucine lake, and afterwards to the frontiers of enum on the Hadriatic sea. "In that province," said isarius, "the Goths have deposited their families and treasures, hout a guard or the suspicion of danger. Doubtless they will ate the truce: let them feel your presence, before they hear your motions. Spare the Italians; suffer not any fortified es to remain hostile in your rear; and faithfully reserve the l for an equal and common partition. It would not be onable," he added with a laugh, "that, whilst we are toiling he destruction of the drones, our more fortunate brethren ld rifle and enjoy the honey."

The whole nation of the Ostrogoths had been assembled for The Goths raise the siege of Rome. A.D. 538, March attack, and was almost entirely consumed in the siege of ne. If any credit be due to an intelligent spectator, one d at least of their enormous host was destroyed, in frequent bloody combats under the walls of the city. The bad fame pernicious qualities of the summer air might already be im- ed to the decay of agriculture and population; and the evils

[107] Anastasius (p. 40) has preserved this epithet of *Sanguinarius*, which might do ur to a tiger.

of famine and pestilence were aggravated by their own licen
tiousness and the unfriendly disposition of the country. Whi
Vitiges struggled with his fortune; while he hesitated betwee
shame and ruin; his retreat was hastened by domestic alarm
The king of the Goths was informed by trembling messenger
that John the Sanguinary spread the devastations of war fro
the Apennine to the Hadriatic; that the rich spoils and in
numerable captives of Picenum were lodged in the fortificatio
of Rimini; and that this formidable chief had defeated his uncl
insulted his capital, and seduced, by secret correspondence, th
fidelity of his wife, the imperious daughter of Amalasontha. Ye
before he retired, Vitiges made a last effort either to storm or
[Aqua Virgo] surprise the city. A secret passage was discovered in one of th
aqueducts; two citizens of the Vatican were tempted by brib
to intoxicate the guards of the Aurelian gate;[108] an attack w
meditated on the walls beyond the Tiber in a place which w
not fortified with towers; and the Barbarians advanced, wi
torches and scaling-ladders, to the assault of the Pincian gat
But every attempt was defeated by the intrepid vigilance
Belisarius and his band of veterans, who, in the most perilo
moments, did not regret the absence of their companions; a
the Goths, alike destitute of hope and subsistence, clamorous
urged their departure, before the truce should expire, and th
Roman cavalry should again be united. One year and nine da
after the commencement of the siege, an army, so lately stro
and triumphant, burnt their tents, and tumultuously repass
the Milvian bridge. They repassed not with impunity: the
thronging multitudes, oppressed in a narrow passage, were driv
headlong into the Tiber, by their own fears and the pursuit
the enemy; and the Roman general, sallying from the Pinci
gate, inflicted a severe and disgraceful wound on their retre
The slow length of a sickly and desponding host was heavi
dragged along the Flaminian way; from whence the Barbaria
were sometimes compelled to deviate, lest they should encoun
the hostile garrisons that guarded the high road to Rimini a
Ravenna. Yet so powerful was this flying army that Vitig
spared ten thousand men for the defence of the cities which

[108] [By the P. Aurelia is meant not the old P. Aurelia (on the Via Aurelia, in
Transtiberine region) which Procopius knew as the P. Scti. Pancratii, but a g
on the east bank, opposite the Ponte San Angelo. It does not appear however t
the guards of this gate were to be drugged, but the guards who were stationed
defend a weak part of the wall between this gate and the P. Flaminia (P. del Popo
Proc., B.G., 2, 9.]

as most solicitous to preserve, and detached his nephew Uraias, ith an adequate force, for the chastisement of rebellious Milan. t the head of his principal army, he besieged Rimini, only irty-three miles distant from the Gothic capital. A feeble mpart and a shallow ditch were maintained by the skill and alour of John the Sanguinary, who shared the danger and tigue of the meanest soldier, and emulated, on a theatre less lustrious, the military virtues of his great commander. The lose Rimin owers and battering engines of the Barbarians were rendered seless; their attacks were repulsed; and the tedious blockade, hich reduced the garrison to the last extremity of hunger, fforded time for the union and march of the Roman forces. A eet, which had surprised Ancona, sailed along the coast of the Adriatic, to the relief of the besieged city. The eunuch Narses nded in Picenum with two thousand Heruli and five thousand of ne bravest troops of the East. The rock of the Apennine was rced; ten thousand veterans moved round the foot of the ountains under the command of Belisarius himself; and a new my, whose encampment blazed with innumerable lights, *appeared* advance along the Flaminian way. Overwhelmed with astonish- ent and despair, the Goths abandoned the siege of Rimini, their nts, their standards, and their leaders;[109] and Vitiges, who gave followed the example of flight, never halted till he found a retire to Ravenna helter within the walls and morasses of Ravenna.

To these walls, and to some fortresses destitute of any mutual Jealousy of the Roman generals. A.D. 538 pport, the Gothic monarchy was now reduced. The provinces f Italy had embraced the party of the emperor; and his army, radually recruited to the number of twenty thousand men, must ave achieved an easy and rapid conquest, if their invincible owers had not been weakened by the discord of the Roman iefs. Before the end of the siege, an act of blood, ambiguous nd indiscreet, sullied the fair fame of Belisarius. Presidius, a yal Italian, as he fled from Ravenna to Rome, was rudely opped by Constantine, the military governor of Spoleto, and espoiled, even in a church, of two daggers richly inlaid with old and precious stones. As soon as the public danger had bsided, Presidius complained of the loss and injury; his com- laint was heard, but the order of restitution was disobeyed by

[109] [Before the relief of Ariminum, Belisarius and Narses held a council of war Firmum (Fermo), and the influence of Narses decided that it should be relieved. he objection to that course was the circumstance that Auximum, which the Goths ld, would threaten the rear of the relieving army; the motive of most of the jectors was personal hostility to John.]

the pride and avarice of the offender. Exasperated by the dela
Presidius boldly arrested the general's horse as he passed throug
the forum; and with the spirit of a citizen demanded the cor
mon benefit of the Roman laws. The honour of Belisarius w
engaged; he summoned a council; claimed the obedience of h
subordinate officer; and was provoked, by an insolent reply,
call hastily for the presence of his guards. Constantine, viewir
their entrance as the signal of death, drew his sword, and rush
on the general, who nimbly eluded the stroke, and was protect
by his friends; while the desperate assassin was disarmed, dragg
Death of Constantine into a neighbouring chamber, and executed, or rather murdere
by the guards, at the arbitrary command of Belisarius.[110] In th
hasty act of violence, the guilt of Constantine was no long
remembered; the despair and death of that valiant officer we
secretly imputed to the revenge of Antonina; and each of h
colleagues, conscious of the same rapine, was apprehensive of t
same fate. The fear of a common enemy suspended the effects
their envy and discontent; but, in the confidence of approachi
victory, they instigated a powerful rival to oppose the conquer
The eunuch Narses of Rome and Africa. From the domestic service of the pala
and the administration of the private revenue, Narses the eunu
was suddenly exalted to the head of an army; and the spirit
an hero, who afterwards equalled the merit and glory of Belisari
served only to perplex the operations of the Gothic war. To h
prudent counsels, the relief of Rimini was ascribed by the leade
of the discontented faction, who exhorted Narses to assume
independent and separate command. The epistle of Justini
had indeed enjoined his obedience to the general; but t
dangerous exception, "as far as may be advantageous to t
public service," reserved some freedom of judgment to the d

[110] This transaction is related in the public history (Goth. l. ii. c. 8) with candou
caution, in the Anecdotes (c. 7) [*leg.* 1] with malevolence or freedom; but Marcellin
or rather his continuator (in Chron.), casts a shade of premeditated assassinat
over the death of Constantine. He had performed good service at Rome and Spol
(Procop. Goth. l. i. c. 7, 14); but Alemannus confounds him with a Constantia
comes stabuli. [In the Public History Procopius dares to observe that this was
only iniquitous act committed by Belisarius and that it was foreign to his natu
for he was generally very lenient. The implication is explained in the Secret Histo
where Procopius states that Constantine would have been let off if Antonina h
not intervened. The cause of her grudge against Constantine is told below, p. 3
Procopius adds (Anecd. 1) that Justinian and the Roman aristocracy did not
give Belisarius for Constantine's death. This episode offers a good instance of
relation between the Military and the Secret History. Mr. Hodgkin can hardly
right in supposing that Constantine actually wounded Belisarius. The words
ἄφνω τε αὐτὸ (the dagger) ἐπὶ τὴν Βελισαρίου γαστέρα ὦσεν, which signify merely
attempt to wound.]

creet favourite, who had so lately departed from the *sacred* and familiar conversation of his sovereign. In the exercise of this doubtful right, the eunuch perpetually dissented from the opinions of Belisarius; and, after yielding with reluctance to the siege of Urbino, he deserted his colleague in the night, and marched away to the conquest of the Æmilian province. The fierce and formidable bands of the Heruli were attached to the person of Narses;[111] ten thousand Romans and confederates were persuaded to march under his banners; every malecontent embraced the fair opportunity of revenging his private or imaginary wrongs; and the remaining troops of Belisarius were divided and dispersed from the garrisons of Sicily to the shores of the Hadriatic. His skill and perseverance overcame every obstacle: Urbino was taken,[112] the sieges of Fæsulæ, Orvieto, and Auximum, were undertaken and vigorously prosecuted; and the eunuch Narses was at length recalled to the domestic cares of the palace. All dissensions were healed, and all opposition was subdued, by the temperate authority of the Roman general, to whom his enemies could not refuse their esteem; and Belisarius inculcated the salutary lesson that the forces of the state should compose one body and be animated by one soul. But in the interval of discord the Goths were permitted to breathe; an important season was lost, Milan was destroyed, and the northern provinces of Italy were afflicted by an inundation of the Franks.

Firmness and authority of Belisarius

When Justinian first meditated the conquest of Italy, he sent ambassadors to the kings of the Franks, and adjured them, by the common ties of alliance and religion, to join in the holy enterprise against the Arians. The Goths, as their wants were more urgent, employed a more effectual mode of persuasion, and vainly strove, by the gift of lands and money, to purchase the friendship, or at least the neutrality, of a light and perfidious nation.[113] But the arms of Belisarius and the revolt of the Italians had no sooner shaken the Gothic monarchy than Theodebert of Austrasia, the most powerful and warlike of the

Invasion of Italy by the Franks. A.D. 538, 539

[111] They refused to serve after his departure; sold their captives and cattle to the Goths; and swore never to fight against them. Procopius introduces a curious digression on the manners and adventures of this wandering nation, a part of whom finally emigrated to Thule or Scandinavia (Goth. l. ii. c. 14, 15).

[112] [c. Dec. 21, A.D. 538. Urbs Vetus was taken early in 539; Fæsulæ and Auximum, about October or November in the same year. See Clinton, F.R. ad ann.]

[113] This national reproach of perfidy (Procop. Goth. l. ii. c. 25) offends the ear of la Mothe la Vayer (tom. viii. p. 163-165), who criticises, as if he had not read, the Greek historian.

Merovingian kings, was persuaded to succour their distress by an indirect and seasonable aid. Without expecting the consent of their sovereign, ten thousand Burgundians, his recent subjects, descended from the Alps, and joined the troops which Vitiges had sent to chastise the revolt of Milan. After an obstinate siege, the capital of Liguria was reduced by famine, but no capitulation could be obtained, except for the safe retreat of the Roman garrison. Datius, the orthodox bishop, who had seduced his countrymen to rebellion[114] and ruin, escaped to the luxury and honours of the Byzantine court;[115] but the clergy, perhaps the Arian clergy, were slaughtered at the foot of their own altars by the defenders of the Catholic faith. Three hundred thousand males were *reported* to be slain;[116] the female sex, and the more precious spoil, was resigned to the Burgundians; and the houses, or at least the walls, of Milan were levelled with the ground. The Goths, in their last moments, were revenged by the destruction of a city, second only to Rome in size and opulence, in the splendour of its buildings, or the number of its inhabitants; and Belisarius sympathized alone in the fate of his deserted and devoted friends. Encouraged by this successful inroad, Theodebert himself, in the ensuing spring, invaded the plains of Italy with an army of one hundred thousand Barbarians.[117] The king and some chosen followers were mounted on horseback and armed with lances: the infantry, without bows or spears, were satisfied with a shield, a sword, and a double-edged battle-axe, which, in their hands, became a deadly and unerring weapon. Italy trembled at the march of the Franks; and both the Gothic prince and the Roman general, alike ignorant of their designs, solicited, with hope and terror, the friendship of these dangerous allies. Till

[Begins in latter part of 538; ends before March 539]

Destruction of Milan

[A.D. 539]

[114] Baronius applauds his treason, and justifies the Catholic bishops—qui ne sub heretico principe degant omnem lapidem movent—an useful caution. The more rational Muratori (Annali d'Italia. tom. v. p. 54) hints at the guilt of perjury and blames at least the *imprudence* of Datius.

[115] St. Datius was more successful against devils than against Barbarians. He travelled with a numerous retinue, and occupied at Corinth a large house (Baronius, A.D. 538, No. 89; A.D. 539, No. 20).

[116] Μυριάδες τριάκοντα (compare Procopius, Goth. l. ii. c. 7, 21). Yet such population is incredible; and the second or third city of Italy need not repine if we only decimate the numbers of the present text. Both Milan and Genoa revived in less than thirty years (Paul Diacon. de Gestis Langobard. l. ii. c. 38).

[117] Besides Procopius, perhaps too Roman, see the Chronicles of Marius and Marcellinus, Jornandes (in Success. Regn. in Muratori, tom. i. p. 241), and Gregory of Tours (l. iii. c. 32, in tom. ii. of the Historians of France). Gregory supposes a defeat of Belisarius, who, in Aimoin (de Gestis Franc. l. ii. c. 23, in tom. iii. p. 59), is slain by the Franks.

e had secured the passage of the Po on the bridge of Pavia, the randson of Clovis dissembled his intentions, which he at length eclared by assaulting, almost at the same instant, the hostile amps of the Romans and Goths. Instead of uniting their arms, hey fled with equal precipitation; and the fertile though desolate rovinces of Liguria and Æmilia were abandoned to a licentious ost of Barbarians, whose rage was not mitigated by any thoughts f settlement or conquest. Among the cities which they ruined, Genoa, not yet constructed of marble, is particularly enumerated; [Genua] nd the deaths of thousands, according to the regular practice of var, appear to have excited less horror than some idolatrous acrifices of women and children, which were performed with mpunity in the camp of the most Christian king. If it were not melancholy truth that the first and most cruel sufferings must e the lot of the innocent and helpless, history might exult in he misery of the conquerors, who, in the midst of riches, were eft destitute of bread or wine, reduced to drink the waters of he Po, and to feed on the flesh of distempered cattle. The lysentery swept away one third of their army; and the clamours f his subjects, who were impatient to pass the Alps, disposed Theodebert to listen with respect to the mild exhortations of [The Franks retire before November] Belisarius. The memory of this inglorious and destructive war- are was perpetuated on the medals of Gaul; and Justinian, vithout unsheathing his sword, assumed the title of conqueror f the Franks. The Merovingian prince was offended by the anity of the emperor; he affected to pity the fallen fortunes of he Goths; and his insidious offer of a federal union was fortified y the promise or menace of descending from the Alps at the ead of five hundred thousand men. His plans of conquest vere boundless and perhaps chimerical. The king of Austrasia hreatened to chastise Justinian, and to march to the gates of Constantinople;[118] he was overthrown and slain[119] by a wild ull,[120] as he hunted in the Belgic or German forests.

[118] Agathias, l. i. p. 14, 15. Could he have seduced or subdued the Gepidæ or Lombards of Pannonia, the Greek historian is confident that he must have been destroyed in Thrace.

[119] The king pointed his spear—the bull overturned a tree on his head—he expired the same day. Such is the story of Agathias; but the original historians of France (tom. ii. p. 202, 403, 558, 667) impute his death to a fever.

[120] Without losing myself in a labyrinth of species and names—the aurochs, urus, bisons, bubalus, bonasus, buffalo, &c. (Buffon, Hist. Nat. tom. xi. and Supplément, tom. iii. vi.), it is certain that in the sixth century a large wild species of horned cattle was hunted in the great forests of the Vosges in Lorraine, and the Ardennes (Greg. Turon. tom. ii. l. x. c. 10, p. 369).

Belisarius besieges Ravenna

As soon as Belisarius was delivered from his foreign and domestic enemies, he seriously applied his forces to the final reduction of Italy. In the siege of Osimo, the general was nearly transpierced with an arrow, if the mortal stroke had not been intercepted by one of his guards, who lost, in that pious office, the use of his hand. The Goths of Osimo, four thousand warriors, with those of Fæsulæ and the Cottian Alps, were among the last who maintained their independence; and their gallant resistance, which almost tired the patience, deserved the esteem, of the conqueror. His prudence refused to subscribe the safe-conduct which they asked, to join their brethren of Ravenna; but they saved, by an honourable capitulation, one moiety at least of their wealth, with the free alternative of retiring peaceably to their estates, or enlisting to serve the emperor in his Persian wars. The multitudes which yet adhered to the standard of Vitiges far surpassed the number of the Roman troops; but neither prayers nor defiance, nor the extreme danger of his most faithful subjects, could tempt the Gothic king beyond the fortifications of Ravenna. These fortifications were indeed impregnable to the assaults of art or violence; and, when Belisarius invested the capital, he was soon convinced that famine only could tame the stubborn spirit of the Barbarians. The sea, the land, and the channels of the Po, were guarded by the vigilance of the Roman general; and his morality extended the rights of war to the practice of poisoning the waters,[121] and secretly firing the granaries,[122] of the besieged city.[123] While he pressed the blockade of Ravenna, he was surprised by the arrival of two ambassadors from Constantinople, with a treaty of peace which Justinian had imprudently signed without deigning to consult the author of his victory.

[121] In the siege of Auximum, he first laboured to demolish an old aqueduct, and then cast into the stream, 1. dead bodies; 2. mischievous herbs; and 3. quick lime, which is named (says Procopius, l. ii. c. 29) τίτανος by the ancients, by the moderns ἄσβεστος. Yet both words are used as synonymous in Galen, Dioscorides, and Lucian (Hen. Steph. Thesaur. Ling. Græc. tom. iii. p. 748).

[122] The Goths suspected Mathasuentha as an accomplice in the mischief, which perhaps was occasioned by accidental lightning.

[123] In strict philosophy, a limitation of the rights of war seems to imply no sense and contradiction. Grotius himself is lost in an idle distinction between the jus naturæ and the jus gentium, between poison and infection. He balances in one scale the passages of Homer (Odyss. A. 259, &c.) and Florus (l. ii. c. 20, No. 7 ult.); and in the other the examples of Solon (Pausanias, l. x. c. 37) and Belisarius. See his great work, De Jure Belli et Pacis (l. iii. c. 4, s. 15, 16, 17, and in Barbeyrac's version, tom. ii. p. 257, &c.). Yet I can understand the benefit and validity of an agreement, tacit or express, mutually to abstain from certain modes of hostility. See the Amphictyonic oath in Æschines, de False Legatione.

By this disgraceful and precarious agreement, Italy and the Gothic treasury were divided, and the provinces beyond the Po were left with the regal title to the successor of Theodoric. The ambassadors were eager to accomplish their salutary commission; the captive Vitiges accepted, with transport, the unexpected offer of a crown; honour was less prevalent among the Goths than the want and appetite of food; and the Roman chiefs, who murmured at the continuance of the war, professed implicit submission to the commands of the emperor. If Belisarius had possessed only the courage of a soldier, the laurel would have been snatched from his hand by timid and envious counsels; but, in this decisive moment, he resolved, with the magnanimity of a statesman, to sustain alone the danger and merit of generous disobedience. Each of his officers gave a written opinion that the siege of Ravenna was impracticable and hopeless: the general then rejected the treaty of partition, and declared his own resolution of leading Vitiges in chains to the feet of Justinian. The Goths retired with doubt and dismay; this peremptory refusal deprived them of the only signature which they could trust, and filled their minds with a just apprehension that a sagacious enemy had discovered the full extent of their deplorable state. They compared the fame and fortune of Belisarius with the weakness of their ill-fated king; and the comparison suggested an extraordinary project, to which Vitiges, with apparent resignation, was compelled to acquiesce. Partition would ruin the strength, exile would disgrace the honour, of the nation; but they offered their arms, their treasures, and the fortifications of Ravenna, if Belisarius would disclaim the authority of a master, accept the choice of the Goths, and assume, as he had deserved, the kingdom of Italy. If the false lustre of a diadem could have tempted the loyalty of a faithful subject, his prudence must have foreseen the inconstancy of the Barbarians, and his rational ambition would prefer the safe and honourable station of a Roman general. Even the patience and seeming satisfaction with which he entertained a proposal of treason might be susceptible of a malignant interpretation. But the lieutenant of Justinian was conscious of his own rectitude; he entered into a dark and crooked path, as it might lead to the voluntary submission of the Goths; and his dexterous policy persuaded them that he was disposed to comply with their wishes, without engaging an oath or a promise for the performance of a treaty which he secretly abhorred. The day of the surrender of Ravenna was stipulated by the Gothic am-

Subdues the Gothic kingdom of Italy. A.D. 539, December

bassadors; a fleet, laden with provisions, sailed as a welcome guest into the deepest recess of the harbour; the gates were opened to the fancied king of Italy; and Belisarius, without meeting an enemy, triumphantly marched through the streets of an impregnable city.[124] The Romans were astonished by their success; the multitude of tall and robust Barbarians were confounded by the image of their own patience; and the masculine females, spitting in the faces of their sons and husbands, most bitterly reproached them for betraying their dominion and freedom to these pygmies of the south, contemptible in their numbers, diminutive in their stature. Before the Goths could recover from the first surprise and claim the accomplishment of their doubtful hopes, the victor established his power in Ravenna, beyond the danger of repentance and revolt. Vitiges, who perhaps had attempted to escape, was honourably guarded in his palace;[125] the flower of the Gothic youth was selected for the service of the emperor; the remainder of the people was dismissed to their peaceful habitations in the southern provinces; and a colony of Italians was invited to replenish the depopulated city. The submission of the capital was imitated in the towns and villages of Italy, which had not been subdued, or even visited, by the Romans; and the independent Goths who remained in arms at Pavia and Verona were ambitious only to become the subjects of Belisarius. But his inflexible loyalty rejected, except as the substitute of Justinian, their oaths of allegiance; and he was not offended by the reproach of their deputies, that he rather chose to be a slave than a king.

Captivity of Vitiges

Return and glory of Belisarius

After the second victory of Belisarius, envy again whispered, Justinian listened, and the hero was recalled. "The remnant of the Gothic war was no longer worthy of his presence; a gracious sovereign was impatient to reward his services, and to consult his

[124] Ravenna was taken, not in the year 540, but in the latter end of 539; and Pagi (tom. ii. p. 569) is rectified by Muratori (Annali d'Italia, tom. v. p. 62 [*leg.* tom. iii. p. 343]), who proves, from an original act on papyrus (Antiquit. Italiæ Medii Ævi, tom. ii. dissert. xxxii. p. 999-1007. Maffei, Istoria Diplomat. p. 155-160), that before the 3rd of January 540 peace and free correspondence were restored between Ravenna and Faenza. [The original act is a *venditio* or deed of sale dated: sub die ii nonarum Jan., ind. tertia, sexies p.c. Paulini iun.]

[125] He was seized by John the Sanguinary, but an oath or sacrament was pledged for his safety in the Basilica Julii (Hist. Miscell. l. xvii. in Muratori, tom. i. p. 107). Anastasius (in Vit. Pont. p. 40) gives a dark but probable account. Montfaucon is quoted by Mascou (Hist. of the Germans, xii. 21) for a votive shield representing the captivity of Vitiges, and now in the collection of Signor Landi at Rome.

visdom; and he alone was capable of defending the East against he innumerable armies of Persia." Belisarius understood the uspicion, accepted the excuse, embarked at Ravenna his spoils nd trophies; and proved, by his ready obedience, that such an brupt removal from the government of Italy was not less unjust han it might have been indiscreet. The emperor received, with onourable courtesy, both Vitiges and his more noble consort; nd, as the king of the Goths conformed to the Athanasian faith, e obtained, with a rich inheritance of lands in Asia, the rank of enator and patrician.[126] Every spectator admired, without eril, the strength and stature of the young Barbarians; they dored the majesty of the throne, and promised to shed their lood in the service of their benefactor. Justinian deposited in he Byzantine palace the treasures of the Gothic monarchy. A attering senate was sometimes admitted to gaze on the magnifi- ent spectacle; but it was enviously secluded from the public iew; and the conqueror of Italy renounced, without a murmur, erhaps without a sigh, the well-earned honours of a second riumph. His glory was indeed exalted above all external omp; and the faint and hollow praises of the court were upplied, even in a servile age, by the respect and admiration of is country. Whenever he appeared in the streets and public laces of Constantinople, Belisarius attracted and satisfied the yes of the people. His lofty stature and majestic countenance ulfilled their expectations of an hero; the meanest of his fellow- itizens were emboldened by his gentle and gracious demeanour; nd the martial train which attended his footsteps left his person ore accessible than in a day of battle. Seven thousand horse- en, matchless for beauty and valour, were maintained in the ervice, and at the private expense, of the general.[127] Their rowess was always conspicuous in single combats, or in the remost ranks; and both parties confessed that in the siege of ome the guards of Belisarius had alone vanquished the Barba- an host. Their numbers were continually augmented by the ravest and most faithful of the enemy; and his fortunate

[126] Vitiges lived two years at Constantinople, and imperatoris in affectu *convictus* r conjunctus) rebus excessit humanis. His widow, *Mathasuenta*, the wife and other of the patricians, the elder and younger Germanus, united the streams of nician and Amali blood (Jornandes, c. 60, p. 221 in Muratori, tom. i.).

[127] Procopius, Goth. l. iii. c. 1. Aimoin, a French monk of the xith century, ho had obtained, and has disfigured, some authentic information of Belisarius, entions, in his name, 12,000 *pueri* or slaves—quos propriis alimus stipendiis— sides 18,000 soldiers (Historians of France, tom. iii. De Gestis Franc. l. ii. c. 6, 48).

captives, the Vandals, the Moors, and the Goths, emulated the attachment of his domestic followers. By the union of liberality and justice, he acquired the love of the soldiers, without alienating the affections of the people. The sick and wounded were relieved with medicines and money; and, still more efficaciously, by the healing visits and smiles of their commander. The loss of a weapon or a horse was instantly repaired, and each deed of valour was rewarded by the rich and honourable gifts of a bracelet or a collar, which were rendered more precious by the judgment of Belisarius. He was endeared to the husbandmen by the peace and plenty which they enjoyed under the shadow of his standard. Instead of being injured, the country was enriched, by the march of the Roman armies; and such was the rigid discipline of their camp that not an apple was gathered from the tree, not a path could be traced in the fields of corn. Belisarius was chaste and sober. In the licence of a military life, none could boast that they had seen him intoxicated with wine; the most beautiful captives of Gothic or Vandal race were offered to his embraces; but he turned aside from their charms, and the husband of Antonina was never suspected of violating the laws of conjugal fidelity. The spectator and historian of his exploits has observed that, amidst the perils of war, he was daring without rashness, prudent without fear, slow or rapid according to the exigencies of the moment; that in the deepest distress, he was animated by real or apparent hope; but that he was modest and humble in the most prosperous fortune. By these virtues he equalled, or excelled, the ancient masters of the military art. Victory, by sea and land, attended his arms. He subdued Africa, Italy, and the adjacent islands; led away captives the successors of Genseric and Theodoric; filled Constantinople with the spoils of their palaces; and in the space of six years recovered half the provinces of the Western empire. In his fame and merit, in wealth and power, he remained without a rival, the first of the Roman subjects; the voice of envy could only magnify his dangerous importance; and the emperor might applaud his own discerning spirit which had discovered and raised the genius of Belisarius.

Secret history of his wife Antonina

It was the custom of the Roman triumphs that a slave should be placed behind the chariot to remind the conqueror of the instability of fortune and the infirmities of human nature. Procopius, in his Anecdotes, has assumed that servile and ungrateful office. The generous reader may cast away the libel, but the evidence of facts will adhere to his memory; and he will reluc-

ntly confess that the fame, and even the virtue, of Belisarius ere polluted by the lust and cruelty of his wife; and that the ero deserved an appellation which may not drop from the pen f the decent historian. The mother of Antonina[128] was a eatrical prostitute, and both her father and grandfather exer- sed at Thessalonica and Constantinople the vile, though lucrative, rofession of charioteers. In the various situations of their rtune, she became the companion, the enemy, the servant, and e favourite of the empress Theodora: these loose and ambitious males had been connected by similar pleasures; they were parated by the jealousy of vice, and at length reconciled by e partnership of guilt. Before her marriage with Belisarius, ntonina had one husband and many lovers; Photius, the son of r former nuptials, was of an age to distinguish himself at the ege of Naples; and it was not till the autumn of her age and auty[129] that she indulged a scandalous attachment to a hracian youth. Theodosius had been educated in the Euno- ian heresy; the African voyage was consecrated by the ptism and auspicious name of the first soldier who embarked; d the proselyte was adopted into the family of his spiritual rents,[130] Belisarius and Antonina. Before they touched the ores of Africa, this holy kindred degenerated into sensual love; d, as Antonina soon overleaped the bounds of modesty and ution, the Roman general was alone ignorant of his own dis- nour. During their residence at Carthage, he surprised the o lovers in a subterraneous chamber, solitary, warm, and almost ked. Anger flashed from his eyes. "With the help of this ung man," said the unblushing Antonina, "I was secreting our ost precious effects from the knowledge of Justinian." The uth resumed his garments, and the pious husband consented to sbelieve the evidence of his own senses. From this pleasing d perhaps voluntary delusion Belisarius was awakened at racuse, by the officious information of Macedonia; and that

Her lover Theodosius

[128] The diligence of Alemannus could add but little to the four first and most ious chapters of the Anecdotes. Of these strange Anecdotes, a part may be e, because probable—and a part true, because improbable. Procopius must ve *known* the former, and the latter he could scarcely *invent*.

[129] Procopius insinuates (Anecdot. c. 4) that, when Belisarius returned to Italy D. 543), Antonina was sixty years of age. A forced but more polite construction, ich refers that date to the moment when he was writing (A.D. 559), would be npatible with the manhood of Photius (Gothic. l. i. c. 10) in 536.

[130] Compare the Vandalic war (l. i. c. 12) with the Anecdotes (c. 1) and Ale- nnus (p. 2, 3). This mode of baptismal adoption was revived by Leo the losopher.

female attendant, after requiring an oath for her security, produced two chamberlains, who, like herself, had often beheld the adulteries of Antonina. An hasty flight into Asia saved Theodosius from the justice of an injured husband, who had signified to one of his guards the order of his death; but the tears of Antonina, and her artful seductions, assured the credulous hero of her innocence; and he stooped, against his faith and judgment, to abandon those imprudent friends who had presumed to accuse or doubt the chastity of his wife. The revenge of a guilty woman is implacable and bloody: the unfortunate Macedonia, with the two witnesses, were secretly arrested by the minister of her cruelty; their tongues were cut out, their bodies were hacked into small pieces, and their remains were cast into the sea of Syracuse. A rash though judicious saying of Constantine, "I would sooner have punished the adulteress than the boy," was deeply remembered by Antonina; and two years afterwards, when despair had armed that officer against his general, her sanguinary advice decided and hastened his execution. Even the indignation of Photius was not forgiven by his mother; the exile of her son prepared the recall of her lover; and Theodosius condescended to accept the pressing and humble invitation of the conqueror of Italy. In the absolute direction of his household, and in the important commissions of peace and war,[131] the favourite youth most rapidly acquired a fortune of four hundred thousand pounds sterling; and, after their return to Constantinople, the passion of Antonina, at least, continued ardent and unabated. But fear, devotion, and lassitude perhaps, inspired Theodosius with more serious thoughts. He dreaded the busy scandal of the capital and the indiscreet fondness of the wife of Belisarius; escaped from her embraces, and, retiring to Ephesus, shaved his head and took refuge in the sanctuary of a monastic life. The despair of the new Ariadne could scarcely have been excused by the death of her husband. She wept, she tore her hair, she filled the palace with her cries: "she had lost the dearest of friends, a tender, a faithful, a laborious friend!" But her warm entreaties, fortified by the prayers of Belisarius, were insufficient to draw the holy monk from the solitude of Ephesus. It was not till the general moved forward for the Persian war, that Theodosius could be

[131] In November 537, Photius arrested the pope (Liberat. Brev. c. 22. Pagi tom. ii. p. 562). About the end of 539, Belisarius sent Theodosius—τὸν τῇ οἰκείᾳ τ αὐτοῦ ἐφεστῶτα—on an important and lucrative commission to Ravenna (Goth. i ii. c. 18).

empted to return to Constantinople; and the short interval efore the departure of Antonina herself was boldlv devoted to ve and pleasure.

A philosopher may pity and forgive the infirmities of female ature, from which he receives no real injury; but contemptible the husband who feels, and yet endures, his own infamy in that f his wife. Antonina pursued her son with implacable hatred; nd the gallant Photius[132] was exposed to her secret persecutions the camp beyond the Tigris. Enraged by his own wrongs and y the dishonour of his blood, he cast away in his turn the senti- ents of nature, and revealed to Belisarius the turpitude of a oman who had violated all the duties of a mother and a wife. rom the surprise and indignation of the Roman general, his rmer credulity appears to have been sincere: he embraced the nees of the son of Antonina, adjured him to remember his obli- ations rather than his birth, and confirmed at the altar their oly vows of revenge and mutual defence. The dominion of ntonina was impaired by absence; and, when she met her hus- and, on his return from the Persian confines, Belisarius, in his rst and transient emotions, confined her person and threatened er life. Photius was more resolved to punish, and less prompt pardon: he flew to Ephesus; extorted from a trusty eunuch f his mother the full confession of her guilt; arrested Theo- sius and his treasures in the church of St. John the Apostle; nd concealed his captives, whose execution was only delayed, a secure and sequestered fortress of Cilicia. Such a daring trage against public justice could not pass with impunity; nd the cause of Antonina was espoused by the empress, hose favour she had deserved by the recent services of the dis- race of a præfect and the exile and murder of a pope. At the nd of the campaign, Belisarius was recalled; he complied, as sual, with the Imperial mandate. His mind was not prepared r rebellion; his obedience, however adverse to the dictates of nour, was consonant to the wishes of his heart; and, when he mbraced his wife, at the command, and perhaps in the presence, f the empress, the tender husband was disposed to forgive or to e forgiven. The bounty of Theodora reserved for her com- anion a more precious favour. "I have found," she said, "my earest patrician, a pearl of inestimable value: it has not yet een viewed by any mortal eye; but the sight and the posses-

Resentment of Belisarius and her son Photius

[132] Theophanes (Chronograph. p. 204) styles him *Photinus*, the son-in-law [son, ., stepson, τὸν προγονόν] of Belisarius; and he is copied by the Historia Mis- lla and Anastasius [cp. Cramer, Anecd. Par. 2, 111].

sion of this jewel are destined for my friend." As soon as th curiosity and impatience of Antonina were kindled, the door c a bedchamber was thrown open, and she beheld her lover, whor the diligence of the eunuchs had discovered in his secret prison Her silent wonder burst into passionate exclamations of gratitud and joy, and she named Theodora her queen, her benefactres and her saviour. The monk of Ephesus was nourished in th palace with luxury and ambition; but, instead of assuming, a he was promised, the command of the Roman armies, Theodosiu

Persecution of her son

expired in the first fatigues of an amorous interview. The grie of Antonina could only be assuaged by the sufferings of her son A youth of consular rank, and a sickly constitution, was punished without a trial, like a malefactor and a slave; yet such was th constancy of his mind that Photius sustained the tortures of th scourge and the rack without violating the faith which he ha sworn to Belisarius. After this fruitless cruelty, the son c Antonina, while his mother feasted with the empress, was buried in her subterraneous prisons, which admitted not the distinctio of night and day. He twice escaped to the most venerabl sanctuaries of Constantinople, the churches of St. Sophia and c the Virgin; but his tyrants were insensible of religion as of pity and the helpless youth, amidst the clamours of the clergy an people, was twice dragged from the altar to the dungeon. H third attempt was more successful. At the end of three year the prophet Zachariah, or some mortal friend, indicated th means of an escape; he eluded the spies and guards of th empress, reached the holy sepulchre of Jerusalem, embraced th profession of a monk; and the abbot Photius was employed, aft the death of Justinian, to reconcile and regulate the churches Egypt. The son of Antonina suffered all that an enemy ca inflict; her patient husband imposed on himself the more e quisite misery of violating his promise and deserting his friend.

Disgrace and submission of Belisarius

In the succeeding campaign, Belisarius was again sent again the Persians: he saved the East, but he offended Theodora, an perhaps the emperor himself. The malady of Justinian ha countenanced the rumour of his death; and the Roman genera on the supposition of that probable event, spoke the free langua of a citizen and a soldier. His colleague Buzes, who concurre in the same sentiments, lost his rank, his liberty, and his healt by the persecution of the empress; but the disgrace of Belisari was alleviated by the dignity of his own character, and the i fluence of his wife, who might wish to humble, but could n desire to ruin, the partner of her fortunes. Even his remov

s coloured by the assurance that the sinking state of Italy uld be retrieved by the single presence of its conqueror. But sooner had he returned, alone and defenceless, than an hostile mmission was sent to the East, to seize his treasures and minate his actions; the guards and veterans who followed his vate banner were distributed among the chiefs of the army, d even the eunuchs presumed to cast lots for the partition of martial domestics. When he passed with a small and sordid inue through the streets of Constantinople, his forlorn appear-ce excited the amazement and compassion of the people. stinian and Theodora received him with cold ingratitude; the vile crowd with insolence and contempt; and in the evening retired with trembling steps to his deserted palace. An lisposition, feigned or real, had confined Antonina to her artment: and she walked disdainfully silent in the adjacent rtico, while Belisarius threw himself on his bed, and expected, an agony of grief and terror, the death which he had so often ved under the walls of Rome. Long after sun-set a messenger s announced from the empress; he opened, with anxious iosity, the letter which contained the sentence of his fate. You cannot be ignorant how much you have deserved my dis-easure. I am not insensible of the services of Antonina. To r merits and intercession I have granted your life, and permit u to retain a part of your treasures, which might be justly feited to the state. Let your gratitude, where it is due, be played, not in words, but in your future behaviour." I know how to believe or to relate the transports with which the ro is said to have received this ignominious pardon. He fell ostrate before his wife; he kissed the feet of his saviour; and devoutly promised to live the grateful and submissive slave Antonina. A fine of one hundred and twenty thousand unds sterling was levied on the fortunes of Belisarius; and h the office of count, or master of the royal stables, he epted the conduct of the Italian war. At his departure from nstantinople, his friends, and even the public, were persuaded t, as soon as he regained his freedom, he would renounce his simulation, and that his wife, Theodora, and perhaps the peror himself, would be sacrificed to the just revenge of a uous rebel. Their hopes were deceived; and the uncon-erable patience and loyalty of Belisarius appear either *below above* the character of a MAN.[133]

[133] The continuator of the chronicle of Marcellinus gives, in a few decent words, substance of the anecdotes: Belisarius de Oriente evocatus, in offensam peri-mque incurrens grave et invidiæ subjacens, rursus remittitur in Italiam (p. 54).

CHAPTER XLII

State of the Barbaric World—Establishment of the Lombards on t Danube—Tribes and Inroads of the Sclavonians—Origin, E pire, and Embassies of the Turks—The Flight of the Avars Chosroes I. or Nushirvan King of Persia—His prosperous Rei and Wars with the Romans—The Colchian or Lazic War—T Æthiopians

Weakness of the empire of Justinian. A.D. 527-565

Our estimate of personal merit is relative to the comm faculties of mankind. The aspiring efforts of genius or virtu either in active or speculative life, are measured not so mu by their real elevation as by the height to which they asce above the level of their age or country; and the same statu which in a people of giants would pass unnoticed, must appe conspicuous in a race of pygmies. Leonidas and his thr hundred companions devoted their lives at Thermopylæ; t the education of the infant, the boy, and the man, had prepare and almost ensured, this memorable sacrifice; and each Spart would approve, rather than admire, an act of duty of whi himself and eight thousand of his fellow-citizens were equa capable.[1] The great Pompey might inscribe on his trophi that he had defeated in battle two millions of enemies a reduced fifteen hundred cities from the lake Mæotis to the R Sea;[2] but the fortune of Rome flew before his eagles; t nations were oppressed by their own fears; and the invincil legions which he commanded had been formed by the hab of conquest and the discipline of ages. In this view, the ch acter of Belisarius may be deservedly placed above the hero of the ancient republics. His imperfections flowed from t

[1] It will be a pleasure, not a task, to read Herodotus (l. vii. c. 104, 134, p. 5 615). The conversation of Xerxes and Demaratus at Thermopylæ is one of most interesting and moral scenes in history. It was the torture of the ro Spartan to behold, with anguish and remorse, the virtue of his country.

[2] See this proud inscription in Pliny (Hist. Natur. vii. 27). Few men have m exquisitely tasted of glory and disgrace; nor could Juvenal (Satir. x.) produ more striking example of the vicissitudes of fortune and the vanity of hur wishes.

ntagion of the times; his virtues were his own, the free gift nature or reflection; he raised himself without a master or rival; and so inadequate were the arms committed to his nd that his sole advantage was derived from the pride and esumption of his adversaries. Under his command, the bjects of Justinian often deserved to be called Romans; but e unwarlike appellation of Greeks was imposed as a term of proach by the haughty Goths; who affected to blush that ey must dispute the kingdom of Italy with a nation of gedians, pantomimes, and pirates.[3] The climate of Asia has leed been found less congenial than that of Europe to military rit; those populous countries were enervated by luxury, destism, and superstition; and the monks were more expensive d more numerous than the soldiers of the East. The regular ce of the empire had once amounted to six hundred and ty-five thousand men: it was reduced, in the time of Justinian, one hundred and fifty thousand; and this number, large as may seem, was thinly scattered over the sea and land; in ain and Italy, in Africa and Egypt, on the banks of the nube, the coast of the Euxine, and the frontiers of Persia. e citizen was exhausted, yet the soldier was unpaid; his verty was mischievously soothed by the privilege of rapine d indolence; and the tardy payments were detained and incepted by the fraud of those agents who usurp, without urage or danger, the emoluments of war. Public and private tress recruited the armies of the state; but in the field, and ll more in the presence of the enemy, their numbers were vays defective. The want of national spirit was supplied by e precarious faith and disorderly service of Barbarian merniaries. Even military honour, which has often survived the s of virtue and freedom, was almost totally extinct. The nerals, who were multiplied beyond the example of former nes, laboured only to prevent the success, or to sully the retation, of their colleagues; and they had been taught by perience that, if merit sometimes provoked the jealousy, error even guilt would obtain the indulgence, of a gracious peror.[4] In such an age the triumphs of Belisarius, and

[3] Γραικοὺς . . . ἐξ ὧν τὰ πρότερα οὐδένα ἐς Ἰταλίαν ἥκοντα εἶδον, ὅτι μὴ τραγωδοὺς, ναύτας λωποδύτας. This last epithet of Procopius is too nobly translated pirates; naval thieves is the proper word: strippers of garments, either for in- or insult (Demosthenes contra Conon. in Reiske Orator. Græc. tom. ii. p. 4).

[4] See the third and fourth books of the Gothic War: the writer of the Anecdotes not aggravate these abuses.

afterwards of Narses, shine with incomparable lustre; but the
are encompassed with the darkest shades of disgrace an
calamity. While the lieutenant of Justinian subdued th
kingdoms of the Goths and Vandals, the emperor,[5] timid thoug
ambitious, balanced the forces of the Barbarians, fomented the
divisions by flattery and falsehood, and invited by his patienc
and liberality the repetition of injuries.[6] The keys of Carthag
Rome, and Ravenna were presented to their conqueror, whi
Antioch was destroyed by the Persians and Justinian tremble
for the safety of Constantinople.

State of the Barbarians

Even the Gothic victories of Belisarius were prejudicial to th
state, since they abolished the important barrier of the Uppe
Danube, which had been so faithfully guarded by Theodor
and his daughter. For the defence of Italy, the Goths evacuate
Pannonia and Noricum, which they left in a peaceful an
flourishing condition; the sovereignty was claimed by th
emperor of the Romans; the actual possession was abandone
to the boldness of the first invader. On the opposite banks
the Danube, the plains of Upper Hungary and the Transy
vanian hills were possessed, since the death of Attila, by th

The Gepidæ

tribes of the Gepidæ,[6a] who respected the Gothic arms, an
despised, not indeed the gold of the Romans, but the secr
motive of their annual subsidies. The vacant fortifications
the river were instantly occupied by these Barbarians; the
standards were planted on the walls of Sirmium and Belgrade
and the ironical tone of their apology aggravated this insult c
the majesty of the empire. "So extensive, O Cæsar, are yo
dominions, so numerous are your cities, that you are contin
ally seeking for nations to whom, either in peace or war, yo
may relinquish these useless possessions. The Gepidæ are yo
brave and faithful allies; and, if they have anticipated yo
gifts, they have shewn a just confidence in your bounty." The
presumption was excused by the mode of revenge whic
Justinian embraced. Instead of asserting the rights of
sovereign for the protection of his subjects, the emperor invite
a strange people to invade and possess the Roman provinc
between the Danube and the Alps; and the ambition of th
Gepidæ was checked by the rising power and fame of th

[5] Agathias, l. 5, p. 157, 158 [c. 14]. He confines this weakness of the empe
and the empire to the old age of Justinian; but, alas! he was never young.

[6] This mischievous policy, which Procopius (Anecdot. c. 19) imputes to
emperor, is revealed in his epistle to a Scythian prince, who was capable of und
standing it. Ἀγαν προμηθῆ καὶ ἀγχινούστατον, says Agathias (l. v. p. 170, 171 [c. 2

[6a] [The *settlements* of the Gepidæ seem, so far as our evidence goes, to ha
been confined to Iazygia. Their sway may have extended east of the Theiss.]

OMBARDS.[7] This corrupt appellation has been diffused in the irteenth century by the merchants and bankers, the Italian osterity of these savage warriors; but the original name of *angobards* is expressive only of the peculiar length and fashion their beards. I am not disposed either to question or to stify their Scandinavian origin;[8] nor to pursue the migrations the Lombards through unknown regions and marvellous lventures. About the time of Augustus and Trajan, a ray of storic light breaks on the darkness of their antiquities, and ey are discovered, for the first time, between the Elbe and e Oder. Fierce beyond the example of the Germans, they elighted to propagate the tremendous belief that their heads ere formed like the heads of dogs and that they drank the ood of their enemies whom they vanquished in battle. The allness of their numbers was recruited by the adoption of eir bravest slaves; and alone, amidst their powerful neighburs, they defended by arms their high-spirited independence. the tempests of the North, which overwhelmed so many mes and nations, this little bark of the Lombards still floated the surface; they gradually descended towards the south d the Danube; and at the end of four hundred years they gain appear with their ancient valour and renown. Their anners were not less ferocious. The assassination of a royal est was executed in the presence, and by the command, of the ng's daughter, who had been provoked by some words of sult and disappointed by his diminutive stature; and a tribute, e price of blood, was imposed on the Lombards, by his brother e king of the Heruli. Adversity revived a sense of moderation d justice, and the insolence of conquest was chastised by the gnal defeat and irreparable dispersion of the Heruli, who were ated in the southern provinces of Poland.[9] The victories of

The Lombards

[7] Gens Germanâ feritate ferociore, says Velleius Paterculus of the Lombards 106). Langobardos paucitas nobilitat. Plurimis ac valentissimis nationibus cti non per obsequium sed præliis et periclitando tuti sunt (Tacit. de Moribus rman. c. 40). See likewise Strabo (l. vii. p. 446 [2, § 4]). The best geographers ce them beyond the Elbe, in the bishopric of Magdeburg and the middle march Brandenburg; and their situation will agree with the patriotic remark of the unt de Hertzberg, that most of the Barbarian conquerors issued from the same ntries which still produce the armies of Prussia.

[8] The Scandinavian origin of the Goths and Lombards, as stated by Paul arnefrid, surnamed the deacon, is attacked by Cluverius (Germania Antiq. l. iii. 26, p. 102, &c.), a native of Prussia, and defended by Grotius (Prolegom. ad st. Goth. p. 28, &c.), the Swedish ambassador.

[9] Two facts in the narrative of Paul Diaconus (l. i. c. 20) are expressive of tional manners: 1. Dum *ad tabulam* luderet—while he played at draughts. 2. mporum viridantia *lina*. The cultivation of flax supposes property, commerce, riculture, and manufactures.

the Lombards recommended them to the friendship of th emperors; and, at the solicitation of Justinian, they passed th Danube, to reduce, according to their treaty, the cities o Noricum and the fortresses of Pannonia. But the spirit of rapin soon tempted them beyond these ample limits; they wandere along the coast of the Hadriatic as far as Dyrrachium, and pre sumed, with familiar rudeness, to enter the towns and houses o their Roman allies and to seize the captives who had escaped fro their audacious hands. These acts of hostility, the sallies, as i might be pretended, of some loose adventurers, were disowne by the nation and excused by the emperor; but the arms of th Lombards were more seriously engaged by a contest of thirt years, which was terminated only by the extirpation of th Gepidæ. The hostile nations often pleaded their cause befor the throne of Constantinople; and the crafty Justinian, to whom the Barbarians were almost equally odious, pronounced a partia and ambiguous sentence, and dexterously protracted the war b slow and ineffectual succours. Their strength was formidable since the Lombards, who sent into the field several *myriads* o soldiers, still claimed, as the weaker side, the protection of th Romans. Their spirit was intrepid; yet such is the uncertaint of courage that the two armies were suddenly struck with panic; they fled from each other, and the rival kings remaine with their guards in the midst of an empty plain. A short truc was obtained; but their mutual resentment again kindled; an the remembrance of their shame rendered the next encounte more desperate and bloody. Forty thousand of the Barbarian perished in the decisive battle, which broke the power of th Gepidæ, transferred the fears and wishes of Justinian, and firs displayed the character of Alboin, the youthful prince of th Lombards, and the future conqueror of Italy.[10]

The Sclavonians

The wild people who dwelt or wandered in the plains Russia, Lithuania, and Poland, might be reduced, in the age Justinian, under the two great families of the BULGARIANS[11] an

[10] I have used, without undertaking to reconcile, the facts in Procopius (Got l. ii. c. 14; l. iii. c. 33, 34; l. iv. c. 18, 25), Paul Diaconus (de Gestis Langobar l. i. c. 1-23, in Muratori, Script. Rerum Italicarum, tom. i. p. 405-419), and Jornand (de Success. Regnorum, p. 242). The patient reader may draw some light fro Mascou (Hist. of the Germans, and Annotat. xxiii.) and de Buat (Hist. d Peuples, &c. tom. ix., x., xi.).

[11] I adopt the appellation of Bulgarians, from Ennodius (in Panegyr. The dorici, Opp. Sirmond. tom. i. p. 1598, 1599), Jornandes (de Rebus Geticis, c. p. 194, et de Regn. Successione, p. 242), Theophanes (p. 185), and the Chronicl of Cassiodorius and Marcellinus. The name of Huns is too vague; the tribes Cutturgurians and Utturgurians are too minute and too harsh. [See Appendix 1

e SCLAVONIANS. According to the Greek writers, the former, no touched the Euxine and the lake Mæotis, derived from e Huns their name or descent; and it is needless to renew e simple and well-known picture of Tartar manners. They ere bold and dexterous archers, who drank the milk and feasted the flesh of their fleet and indefatigable horses; whose flocks d herds followed, or rather guided, the motions of their roving mps; to whose inroads no country was remote or impervious, d who were practised in flight, though incapable of fear. The tion was divided into two powerful and hostile tribes, who ursued each other with fraternal hatred. They eagerly dis- ted the friendship or rather the gifts of the emperor; and the stinction which nature had fixed between the faithful dog and e rapacious wolf was applied by an ambassador who received ly verbal instructions from the mouth of his illiterate prince.[12] he Bulgarians, of whatsoever species, were equally attracted Roman wealth: they assumed a vague dominion over the lavonian name, and their rapid marches could only be stopped the Baltic sea or the extreme cold and poverty of the north. t the same race of Sclavonians appears to have maintained, in ery age, the possession of the same countries. Their numerous bes, however distant or adverse, used one common language was harsh and irregular), and were known by the resemblance their form, which deviated from the swarthy Tartar, and proached without attaining the lofty stature and fair com- exion of the German. Four thousand six hundred villages[13] [In ninth century] ere scattered over the provinces of Russia and Poland, and eir huts were hastily built of rough timber, in a country de- ient both in stone and iron. Erected, or rather concealed, in e depth of forests, on the banks of rivers, or the edge of rasses, we may not perhaps, without flattery, compare them the architecture of the beaver; which they resembled in a uble issue, to the land and water, for the escape of the savage abitant, an animal less cleanly, less diligent, and less social, an that marvellous quadruped. The fertility of the soil, rather

[12] Procopius (Goth. l. iv. c. 19). His verbal message (he owns himself an erate Barbarian) is delivered as an epistle. The style is savage, figurative, and ginal.

[13] This sum is the result of a particular list, in a curious Ms. fragment of the r 550, found in the library of Milan. The obscure geography of the times pro- es and exercises the patience of the count de Buat (tom. xi. p. 69-189). The nch minister often loses himself in a wilderness which requires a Saxon and ish guide. [This list, preserved in a Munich Ms., is a fragment of a Bavarian grapher of the ninth century. It includes some non-Slavonic peoples. It is nted by Schafarik, Slaw. Alterthümer, ii. p. 673.]

than the labour of the natives, supplied the rustic plenty of th Sclavonians. Their sheep and horned cattle were large an numerous, and the fields which they sowed with millet an panic[14] afforded, in the place of bread, a coarse and less nutritiv food. The incessant rapine of their neighbours compelled the to bury this treasure in the earth; but on the appearance of stranger, it was freely imparted by a people whose unfavourabl character is qualified by the epithets of chaste, patient, and hos pitable. As their supreme God, they adored an invisible maste of the thunder. The rivers and the nymphs obtained their sub ordinate honours, and the popular worship was expressed in vow and sacrifice. The Sclavonians disdained to obey a despot, prince, or even a magistrate; but their experience was too narrow their passions too headstrong, to compose a system of equal la or general defence. Some voluntary respect was yielded to ag and valour; but each tribe or village existed as a separate re public, and all must be persuaded where none could be compelled They fought on foot, almost naked, and, except an unwield shield, without any defensive armour; their weapons of offenc were a bow, a quiver of small poisoned arrows, and a long rope which they dexterously threw from a distance, and entangle their enemy in a running noose. In the field, the Sclavonia infantry was dangerous by their speed, agility, and hardiness they swam, they dived, they remained under water, drawin their breath through a hollow cane; and a river or lake wa often the scene of their unsuspected ambuscade. But thes were the achievements of spies or stragglers; the military a was unknown to the Sclavonians; their name was obscure, an their conquests were inglorious.[15]

Their inroads

I have marked the faint and general outline of the Sclavonian and Bulgarians, without attempting to define their intermediat boundaries, which were not accurately known or respected b the Barbarians themselves. Their importance was measured b

[14] *Panicum milium.* See Columella, l. ii. c. 9, p. 430, edit. Gesner. Pli Hist. Natur. xviii. 24, 25. The Sarmatians made a pap of millet, mingled wi mares' milk or blood. In the wealth of modern husbandry, our millet feeds poultr and not heroes. See the dictionaries of [Valmont-de-] Bomare [1768] and Miller.

[15] For the name and nation, the situation and manners of the Sclavonians, s the original evidence of the vith century, in Procopius (Goth. l. ii. c. 26, l. iii. 14), and the emperor Mauritius or Maurice (Stratagemat. l. ii. c. 5, apud Masco Annotat. xxxi. [p. 272 *sqq.* ed. Scheffer]). The stratagems of Maurice have bee printed only, as I understand, at the end of Scheffer's edition of Arrian's Tactics, Upsal, 1664 (Fabric. Bibliot. Græc. l. iv. c. 8, tom. iii. p. 278), a scarce, and hithert to me, an inaccessible book. [The *Strategikon* is a work of the sixth century, b not by Maurice.]

eir vicinity to the empire; and the level country of Moldavia d Walachia was occupied by the Antes,[16] a Sclavonian tribe, hich swelled the titles of Justinian with an epithet of con- iest.[17] Against the Antes he erected the fortifications of the wer Danube; and laboured to secure the alliance of a people ated in the direct channel of northern inundation, an interval two hundred miles between the mountains of Transylvania d the Euxine sea. But the Antes wanted power and inclina- on to stem the fury of the torrent; and the light-armed lavonians, from an hundred tribes, pursued, with almost equal eed, the footsteps of the Bulgarian horse. The payment of e piece of gold for each soldier procured a safe and easy treat through the country of the Gepidæ, who commanded e passage of the upper Danube.[18] The hopes or fears of the rbarians; their intestine union or discord; the accident of a zen or shallow stream; the prospect of harvest or vintage; e prosperity or distress of the Romans; were the causes which oduced the uniform repetition of annual visits,[19] tedious in the rrative and destructive in the event. The same year, and ssibly the same month, in which Ravenna surrendered, was rked by an invasion of the Huns or Bulgarians, so dreadful at it almost effaced the memory of their past inroads. They read from the suburbs of Constantinople to the Ionian gulf, stroyed thirty-two cities or castles, erazed Potidæa, which hens had built and Philip had besieged, and repassed the nube, dragging at their horses' heels one hundred and twenty ousand of the subjects of Justinian. In a subsequent inroad ey pierced the wall of the Thracian Chersonesus, extirpated e habitations and the inhabitants, boldly traversed the Helles- nt, and returned to their companions, laden with the spoils of ia. Another party, which seemed a multitude in the eyes of e Romans, penetrated, without opposition, from the straits Thermopylæ to the isthmus of Corinth; and the last ruin of eece has appeared an object too minute for the attention of

[16] Antes eorum fortissimi . . . Taysis qui rapidus et vorticosus in Histri fluenta ns devolvitur (Jornandes, c. 5, p. 194, edit. Murator. Procopius, Goth. l. iii. 4, et de Ædific. l. iv. c. 7). Yet the same Procopius mentions the Goths and s as neighbours, γειτονοῦντα, to the Danube (de Ædific. l. iv. c. 1).

[17] The national title of *Anticus*, in the laws and inscriptions of Justinian, was oted by his successors, and is justified by the pious Ludewig (in Vit. Justinian. 15). It had strangely puzzled the civilians of the middle age.

[18] Procopius, Goth. l. iv. c. 25.

[19] An inroad of the Huns is connected, by Procopius, with a comet; perhaps of 531 (Persic. l. ii. c. 4). Agathias (l. v. p. 154, 155 [c. 11]) borrows from predecessor some early facts.

history. The works which the emperor raised for the protection, but at the expense, of his subjects, served only to disclose the weakness of some neglected part; and the walls, which by flattery had been deemed impregnable, were either deserted by the garrison or scaled by the Barbarians. Three thousand Sclavonians, who insolently divided themselves into two bands, discovered the weakness and misery of a triumphant reign. They passed the Danube and the Hebrus, vanquished the Roman generals who dared to oppose their progress, and plundered with impunity, the cities of Illyricum and Thrace, each of which had arms and numbers to overwhelm their contemptible assailants. Whatever praise the boldness of the Sclavonians may deserve, it is sullied by the wanton and deliberate cruelty which they are accused of exercising on their prisoners. Without distinction of rank, or age, or sex, the captives were impaled, or flayed alive, or suspended between four posts and beaten with clubs till they expired, or inclosed in some spacious building and left to perish in the flames with the spoil and cattle which might impede the march of these savage victors.[20] Perhaps a more impartial narrative would reduce the number, and qualify the nature, of these horrid acts; and they might sometimes be excused by the cruel laws of retaliation. In the siege of Topirus,[21] whose obstinate defence had enraged the Sclavonians, they massacred fifteen thousand males; but they spared the women and children; the most valuable captives were always reserved for labour or ransom; the servitude was not rigorous, and the terms of their deliverance were speedy and moderate. But the subject or the historian of Justinian exhaled his just indignation in the language of complaint and reproach; and Procopius has confidently affirmed that in a reign of thirty-two years each *annual* inroad of the Barbarians consumed two hundred thousand of the inhabitants of the Roman empire. The entire population of Turkish Europe, which nearly corresponds with the provinces of Justinian, would perhaps be incapable of supplying six millions of persons, the result of this incredible estimate.[22]

[20] The cruelties of the Sclavonians are related or magnified by Procopius (Goth. l. iii. c. 29, 38). For their mild and liberal behaviour to their prisoners, we may appeal to the authority, somewhat more recent, of the emperor Maurice (Stratagem. l. ii. c. 5).

[21] Topirus was situate near Philippi in Thrace, or Macedonia, opposite to the isle of Thasos, twelve days' journey from Constantinople (Cellarius, tom. i. p. 676, 840).

[22] According to the malevolent testimony of the Anecdotes (c. 18), these inroads had reduced the provinces south of the Danube to the state of a Scythian wilderness.

In the midst of these obscure calamities, Europe felt the shock of a revolution, which first revealed to the world the name and nation of the TURKS.[23] Like Romulus, the founder of that martial people was suckled by a she-wolf, who afterwards made him the father of a numerous progeny; and the representation of that animal in the banners of the Turks preserved the memory, or rather suggested the idea, of a fable, which was invented, without any mutual intercourse, by the shepherds of Latium and those of Scythia. At the equal distance of two thousand miles from the Caspian, the Icy, the Chinese, and the Bengal seas, a ridge of mountains is conspicuous, the centre and perhaps the summit of Asia; which, in the language of different nations, has been styled Imaus, and Caf,[24] and Altai, and the Golden Mountains, and the Girdle of the Earth. The sides of the hills were productive of minerals; and the iron forges,[25] for the purpose of war, were exercised by the Turks, the most despised portion of the slaves of the great khan of the Geougen. But their servitude could only last till a leader, bold and eloquent, should arise, to persuade his countrymen that the same arms which they forged for their masters might become, in their own hands, the instruments of freedom and victory. They sallied from the mountain;[26] a sceptre was the reward of his advice; and the annual ceremony, in which a piece of iron was heated in

Origin and monarchy of the Turks in Asia. A.D. 545, &c.

[A.D. 439-545]

[23] [For the name and origin of the Turks see Appendix 16.]

[24] From Caf to Caf; which a more rational geography would interpret, from maus, perhaps, to mount Atlas. According to the religious philosophy of the Mahometans, the basis of mount Caf is an emerald, whose reflection produces the azure of the sky. The mountain is endowed with a sensitive action in its roots or nerves; and their vibration, at the command of God, is the cause of earthquakes (D'Herbelot, p. 230, 231).

[25] The Siberian iron is the best and most plentiful in the world; and, in the southern parts, above sixty mines are now worked by the industry of the Russians Strahlenberg, Hist. of Siberia, p. 342, 387. Voyage en Sibérie, par l'Abbé Chappe de Auteroche, p. 603-608, edit. in 12mo. Amsterdam, 1770). The Turks offered iron for sale; yet the Roman ambassdors, with strange obstinacy, persisted in believing that it was all a trick, and that their country produced none Menander in Excerpt. Leg. p. 152). [According to Mr. Parker (Eng. Hist. Review, 43, p. 435) Chinese authors distinctly state that the iron district in which the Turks worked for the Geougen was "somewhere between what are now called Etzinai and Kokonor, on the borders of, if not actually in, the modern Chinese province of Kansuh". It was not, as De Guignes and Gibbon say, near the river Irtish.]

[26] Of Irgana-kon (Abulghazi Khan, Hist. Généalogique de Tatars, P. ii. c. 5, p. 71-77; c. 15, p. 155). The tradition of the Moguls, of the 450 years which they passed in the mountains, agrees with the Chinese periods of the history of the Huns and Turks (De Guignes, tom. i. part ii. p. 376), and the twenty generations, from their restoration to Zingis.

the fire and a smith's hammer was successively handled by the prince and his nobles, recorded for ages the humble profession and rational pride of the Turkish nation. Bertezena,[27] their first leader, signalized their valour and his own in successful combats against the neighbouring tribes; but, when he presumed to ask in marriage the daughter of the great khan, the insolent demand of a slave and a mechanic was contemptuously rejected.[28] The disgrace was expiated by a more noble alliance with a princess of China; and the decisive battle, which almost [A.D. 545] extirpated the nation of Geougen, established in Tartary the new and more powerful empire of the Turks. They reigned over the north; but they confessed the vanity of conquest by their faithful attachment to the mountain of their fathers. The royal encampment seldom lost sight of mount Altai, from whence the river Irtish descends to water the rich pastures of the Calmucks,[29] which nourish the largest sheep and oxen in the world. The soil is fruitful, and the climate mild and temperate; the happy region was ignorant of earthquake and pestilence; the emperor's throne was turned towards the east, and a golden wolf, on the top of a spear, seemed to guard the entrance of his tent. One of the successors of Bertezena was tempted by the luxury and superstition of China; but his design of building cities and temples was defeated by the simple wisdom of a Barbarian counsellor. "The Turks," he said, "are not equal in number to one hundredth part of the inhabitants of China. If we balance their power and elude their armies, it is because we wander without any fixed habitations, in the exercise of war and hunting. Are we strong? we advance and conquer: are we feeble? we retire and are concealed. Should the Turks confine themselves within the walls of cities, the loss of a battle would be the destruction of their empire. The Bonzes preach only patience, humility, and the renunciation of the world. Such, O king! is not the religion of heroes." They entertained with less reluctance the doctrines of Zoroaster; but the greatest part of the nation

[27] [Asena, who is here confounded with Tumen, was the leader who sought the protection of the Geougen, c. 440 A.D.; see Appendix 16.]

[28] [Tumen was the king (according to Chinese sources) who threw off the yoke of the Geougen. He reigned 543-553. See Parker, Eng. Hist. Review, 43, p. 436.]

[29] The country of the Turks, now of the Calmucks, is well described in the Genealogical History, p. 521-562. The curious notes of the French translator are enlarged and digested in the second volume of the English version. [The residence of *these* Turkish khans was not near Mount Altai; see Appendix 16.]

cquiesced, without inquiry, in the opinions, or rather in the practice, of their ancestors. The honours of sacrifice were eserved for the supreme deity; they acknowledged, in rude ymns, their obligations to the air, the fire, the water, and the arth; and their priests derived some profit from the art of ivination. Their unwritten laws were rigorous and impartial: heft was punished by a tenfold restitution; adultery, treason, nd murder, with death; and no chastisement could be inflicted oo severe for the rare and inexpiable guilt of cowardice. As he subject nations marched under the standard of the Turks, heir cavalry, both men and horses, were proudly computed by nillions; one of their effective armies consisted of four hundred housand soldiers, and in less than fifty years they were con- nected in peace and war with the Romans, the Persians, and he Chinese. In their northern limits, some vestige may be iscovered of the form and situation of Kamtchatka, of a people f hunters and fishermen, whose sledges were drawn by dogs, nd whose habitations were buried in the earth. The Turks ere ignorant of astronomy; but the observation taken by ome learned Chinese, with a gnomon of eight feet, fixes the oyal camp in the latitude of forty-nine degrees, and marks heir extreme progress within three, or at least ten, degrees of he polar circle.[30] Among their southern conquests, the most [After A.D. 553] plendid was that of the Nephtalites or white Huns, a polite nd war-like people, who possessed the commercial cities of Bochara and Samarcand, who had vanquished the Persian nonarch, and carried their victorious arms along the banks, and erhaps to the mouth, of the Indus. On the side of the west, he Turkish cavalry advanced to the lake Mæotis. They passed hat lake on the ice. The khan, who dwelt at the foot of nount Altai, issued his commands for the siege of Bosphorus,[31] city, the voluntary subject of Rome, and whose princes had ormerly been the friends of Athens.[32] To the east, the Turks nvaded China, as often as the vigour of the government was

[30] Visdelou, p. 141, 151. The fact, though it strictly belongs to a subordinate nd successive tribe, may be introduced here.

[31] Procopius, Persic. l. i. c. 12; l. ii. c. 3. Peyssonnel (Observations sur les euples Barbares, p. 99, 100) defines the distance between Caffa and the old osphorus at xvi long Tartar leagues.

[32] See in a Memoir of M. de Boze (Mém. de l'Académie des Inscriptions, tom. . p. 549-565), the ancient kings and medals of the Cimmerian Bosphorus; and he gratitude of Athens, in the Oration of Demosthenes against Leptines (in eiske, Orator. Græc. tom. i. p. 466, 467).

relaxed; and I am taught to read in the history of the time that they mowed down their patient enemies like hemp o grass; and that the mandarins applauded the wisdom of a emperor who repulsed these Barbarians with golden lance This extent of savage empire compelled the Turkish monarc to establish three subordinate princes of his own blood, wh soon forgot their gratitude and allegiance. The conqueror were enervated by luxury, which is always fatal except to a industrious people; the policy of China solicited the vanquishe nations to resume their independence; and the power of th Turks was limited to a period of two hundred years. The re vival of their name and dominion in the southern countries o Asia are the events of a later age; and the dynasties whic succeeded to their native realms may sleep in oblivion, sinc *their* history bears no relation to the decline and fall of th Roman empire.[33]

The Avars fly before the Turks, and approach the empire

In the rapid career of conquest, the Turks attacked and sub dued the nation of the Ogors, or Varchonites,[34] on the banks o the river Til, which derived the epithet of black from its dar water or gloomy forests.[35] The khan of the Ogors was slai with three hundred thousand of his subjects, and their bodie were scattered over the space of four days' journey: the surviving countrymen acknowledged the strength and mercy o the Turks; and a small portion, about twenty thousand warrior preferred exile to servitude. They followed the well-know road of the Volga, cherished the error of the nations who co founded them with the AVARS, and spread the terror of tha false though famous appellation, which had not, however, save

[33] For the origin and revolutions of the first Turkish empire, the Chinese deta are borrowed from De Guignes (Hist. des Huns, tom. i. P. ii. p. 367-462) a Visdelou (Supplément à la Bibliothèque Orient. d'Herbelot, p. 82-114). T Greek or Roman hints are gathered in Menander (p. 108-164) and Theophyla Simocatta (l. vii. c. 7, 8).

[34] [Theophylactus (vii. 7, 14) says that the race called Ogor (οἱ Ὀγώρ) we afterwards called Var-and-Chunni (Οὐὰρ καὶ Χουννί); and these are clearly Mena der's "Varchonites". The word *var* meant "river" and was used by the Hu for the Dnieper (Jordanes, p. 127, ed. Momms.). The Chinese sources menti Ouigours near the Tula (see next note), who seem to correspond to the Ogor Theophylactus near the Til.]

[35] The river Til, or Tula, according to the geography of De Guignes (tom. part ii. p. lviii. and 352), is a small though grateful stream of the desert, that fa into the Orchon, Selinga, &c. See Bell, Journey from Petersburg to Pekin (vol. p. 124); yet his own description of the Keat, down which he sailed into the Ob represents the name and attributes of the *black river* (p. 139). [The identificati of this river is quite uncertain.]

s lawful proprietors from the yoke of the Turks.[36] After a ng and victorious march, the new Avars arrived at the foot of ount Caucasus, in the country of the Alani[37] and Circassians, here they first heard of the splendour and weakness of the oman empire. They humbly requested their confederate, the rince of the Alani, to lead them to this source of riches; and eir ambassador, with the permission of the governor of Lazica, as transported by the Euxine sea to Constantinople. The hole city was poured forth to behold with curiosity and terror e aspect of a strange people: their long hair, which hung in esses down their backs, was gracefully bound with ribbons, ıt the rest of their habit appeared to imitate the fashion of the uns. When they were admitted to the audience of Justinian, andish, the first of the ambassadors, addressed the Roman nperor in these terms: "You see before you, O mighty rince, the representatives of the strongest and most populous nations, the invincible, the irresistible Avars. We are illing to devote ourselves to your service: we are able to nquish and destroy all the enemies who now disturb your pose. But we expect, as the price of our alliance, as the ward of our valour, precious gifts, annual subsidies, and uitful possessions." At the time of this embassy Justinian ıd reigned above thirty, he had lived above seventy-five, ears; his mind, as well as his body, was feeble and languid; ıd the conqueror of Africa and Italy, careless of the permanent terest of his people, aspired only to end his days in the bosom ren of inglorious peace. In a studied oration he imparted the senate his resolution to dissemble the insult, and to ırchase the friendship, of the Avars; and the whole senate, ke the mandarins of China, applauded the incomparable wisdom ıd foresight of their sovereign. The instruments of luxury ere immediately prepared to captivate the Barbarians: silken rments, soft and splendid beds, and chains and collars in-usted with gold. The ambassadors, content with such liberal ception, departed from Constantinople, and Valentin, one of e emperor's guards, was sent with a similar character to their

Their embassy to Constantinople. A.D. 558

[36] Theophylact, l. vii. c. 7, 8. And yet his *true* Avars are invisible even to the es of M. de Guignes; and what can be more illustrious than the *false*? The ht of the fugitive Ogors to that national appellation is confessed by the Turks emselves (Menander, p. 108 [?]).

[37] The Alani are still found in the Genealogical History of the Tartars (p. 617), d in d'Anville's maps. They opposed the march of the generals of Zingis round e Caspian sea, and were overthrown in a great battle (Hist. de Gengiscan, l. iv. 9, p. 447).

camp at the foot of mount Caucasus. As their destruction c their success must be alike advantageous to the empire, H persuaded them to invade the enemies of Rome; and the were easily tempted, by gifts and promises, to gratify the ruling inclinations. These fugitives who fled before the Turkis arms passed the Tanais and Borysthenes, and boldly advance into the heart of Poland and Germany, violating the law c nations and abusing the rights of victory. Before ten yea had elapsed, their camps were seated on the Danube and th Elbe, many Bulgarian and Sclavonian names were obliterate from the earth, and the remainder of their tribes are found a tributaries and vassals under the standard of the Avars. Th chagan, the peculiar title of their king, still affected to cultivat the friendship of the emperor; and Justinian entertained som thoughts of fixing them in Pannonia to balance the prevailin power of the Lombards. But the virtue or treachery of a Avar betrayed the secret enmity and ambitious designs of thei countrymen; and they loudly complained of the timid thoug jealous policy of detaining their ambassadors, and denying th arms which they had been allowed to purchase in the capital c the empire.[38]

Embassies of the Turks and Romans. A.D. 569-582

Perhaps the apparent change in the dispositions of the em perors may be ascribed to the embassy which was received fro the conquerors of the Avars.[39] The immense distance whic eluded their arms could not extinguish their resentment: th Turkish ambassadors pursued the footsteps of the vanquished t the Jaik, the Volga, mount Caucasus, the Euxine, and Constan tinople, and at length appeared before the successor of Co stantine, to request that he would not espouse the cause c rebels and fugitives. Even commerce had some share in th remarkable negotiation; and the Sogdoites, who were now th tributaries of the Turks, embraced the fair occasion of openin by the north of the Caspian, a new road for the importation c Chinese silk into the Roman empire. The Persian, who pre

[38] The embassies and first conquests of the Avars may be read in Menander (E cerpt. Legat. p. 99, 100, 101, 154, 155 [frs. 4, 5, 6, 9, 14, 28, ed. Müller, F. H. G iv.]), Theophanes (p. 196), the Historia Miscella (l. xvi. p. 109), and Gregory Tours (l. iv. c. 23, 29, in the Historians of France, tom. ii. p. 214, 217). [C Malalas, p. 489; Cramer, Anecd. Par., 2, p. 114. Theophanes probably derive his notion from the full Malalas.]

[39] Theophanes (Chron. p. 204) and the Hist. Miscella (l. xvi. p. 110), as understoo by De Guignes (tom. i. part ii. p. 354), *appear* to speak of a Turkish embassy Justinian himself; but that of Maniach, in the fourth year of his successor Justi is positively the first that reached Constantinople (Menander, p. 108 [fr. 18, p. 22 ed. Müller]). [The passage in Theophanes records the embassy of the unknow *Hermechionites.*]

rred the navigation of Ceylon, had stoppeo the caravans of
ochara and Samarcand; their silk was contemptuously burnt;
me Turkish ambassadors died in Persia, with a suspicion of
ison; and the great khan permitted his faithful vassal Maniach,
e prince of the Sogdoites, to propose, at the Byzantine court,
treaty of alliance against their common enemies. Their splen-
d apparel and rich presents, the fruit of Oriental luxury,
stinguished Maniach and his colleagues from the rude savages
the north; their letters, in the Scythian character and language,
nounced a people who had attained the rudiments of science;[40]
ey enumerated the conquests, they offered the friendship and
ilitary aid, of the Turks; and their sincerity was attested by
reful imprecations (if they were guilty of falsehood) against
eir own head and the head of Disabul their master. The [Silzibul]
reek prince entertained with hospitable regard the ambassa-
rs of a remote and powerful monarch; the sight of silk-worms
d looms disappointed the hopes of the Sogdoites; the emperor
nounced, or seemed to renounce, the fugitive Avars, but he
cepted the alliance of the Turks; and the ratification of the
eaty was carried by a Roman minister to the foot of mount
ltai.[41] Under the successors of Justinian, the friendship of
e two nations was cultivated by frequent and cordial inter-
urse; the most favoured vassals were permitted to imitate
e example of the great khan, and one hundred and six Turks,
no, on various occasions, had visited Constantinople, departed
the same time for their native country. The duration and
ngth of the journey from the Byzantine court to mount Altai
e not specified: it might have been difficult to mark a road
rough the nameless deserts, the mountains, rivers, and
orasses of Tartary; but a curious account has been preserved
the reception of the Roman ambassadors at the royal camp.
fter they had been purified with fire and incense, according to
rite still practised under the sons of Zingis, they were intro-
ced to the presence of Disabul.[42] In a valley of the Golden

[40] The Russians have found characters, rude hieroglyphics, on the Irtish and
nisei, on medals, tombs, idols, rocks, obelisks, &c. (Strahlenberg, Hist. of
eria, p. 324, 346, 406, 429). Dr. Hyde (de Religione Veterum Persarum, p.
, &c.) has given two alphabets of Thibet and of the Eygours. I have long
boured a suspicion that *all* the Scythian, and *some*, perhaps *much*, of the Indian
ence, was derived from the Greeks of Bactriana. [On recently discovered
rkish inscriptions, see Appendix 16.]

[41] [*Ektag* (Menander) is probably Altai. But it was not the seat of the chief
an mentioned in the Chinese sources; see next note.]

[42] [Disabul (there is more authority for the form *Silzibul*) must be distinguished
m the great khan Mukan (553-572), who is celebrated in the Chinese sources.
. Appendix 16.]

Mountain, they found the great khan in his tent, seated in a chair with wheels, to which an horse might be occasionally harnessed. As soon as they had delivered their presents, which were received by the proper officers, they exposed, in a florid oration, the wishes of the Roman emperor, that victory might attend the arms of the Turks, that their reign might be long and prosperous, and that a strict alliance, without envy or deceit, might for ever be maintained between the two most powerful nations of the earth. The answer of Disabul corresponded with these friendly professions, and the ambassadors were seated by his side, at a banquet which lasted the greatest part of the day; the tent was surrounded with silk hangings, and a Tartar liquor was served on the table, which possessed at least the intoxicating qualities of wine. The entertainment of the succeeding day was more sumptuous; the silk hangings of the second tent were embroidered in various figures; and the royal seat, the cups, and the vases were of gold. A third pavilion was supported by columns of gilt wood; a bed of pure and massy gold was raised on four peacocks of the same metal; and, before the entrance of the tent, dishes, basons, and statues of solid silver, and admirable art, were ostentatiously piled in waggons, the monuments of valour rather than of industry. When Disabul led his armies against the frontiers of Persia, his Roman allies followed many days the march of the Turkish camp, nor were they dismissed until they had enjoyed their precedency over the envoy of the great king, whose loud and intemperate clamours interrupted the silence of the royal banquet. The power and ambition of Chosroes cemented the union of the Turks and Romans, who touched his dominions on either side; but those distant nations, regardless of each other, consulted the dictates of interest, without recollecting the obligations of oaths and treaties. While the successor of Disabul [A.D. 576] celebrated his father's obsequies, he was saluted by the ambassadors of the emperor Tiberius, who proposed an invasion of Persia, and sustained with firmness the angry, and perhaps the just, reproaches of that haughty Barbarian. "You see my ten fingers," said the great khan, and he applied them to his mouth. "You Romans speak with as many tongues, but they are tongues of deceit and perjury. To me you hold one language, to my subjects another; and the nations are successively deluded by your perfidious eloquence. You precipitate your allies into war and danger, you enjoy their labours, and you neglect your benefactors. Hasten your return, inform your master that a Turk is

capable of uttering or forgiving falsehood, and that he shall eedily meet the punishment which he deserves. While he licits my friendship with flattering and hollow words, he is nk to a confederate of my fugitive Varchonites. If I condescend march against those contemptible slaves, they will tremble at e sound of our whips; they will be trampled, like a nest of ts, under the feet of my innumerable cavalry. I am not norant of the road which they have followed to invade your npire; nor can I be deceived by the vain pretence that mount aucasus is the impregnable barrier of the Romans. I know e course of the Dniester, the Danube, and the Hebrus; the ost warlike nations have yielded to the arms of the Turks; d, from the rising to the setting sun, the earth is my inherit- ce." Notwithstanding this menace, a sense of mutual ad- ntage soon renewed the alliance of the Turks and Romans; t the pride of the great khan survived his resentment; and, hen he announced an important conquest to his friend the nperor Maurice, he styled himself the master of the seven ces, and the lord of the seven climates, of the world.[43]

State of Persia. A.D. 500-538

Disputes have often arisen between the sovereigns of Asia, r the title of king of the world; while the contest has proved at it could not belong to either of the competitors. The ngdom of the Turks was bounded by the Oxus or Gihon; and *ouran* was separated by that great river from the rival monarchy *Iran*, or Persia, which, in a smaller compass, contained perhaps larger measure of power and population. The Persians, who ternately invaded and repulsed the Turks and the Romans, ere still ruled by the house of Sassan, which ascended the rone three hundred years before the accession of Justinian. is contemporary, Cabades, or Kobad, had been successful in ar against the emperor Anastasius; but the reign of that ince was distracted by civil and religious troubles. A prisoner the hands of his subjects; an exile among the enemies of rsia; he recovered his liberty by prostituting the honour of s wife, and regained his kingdom with the dangerous and ercenary aid of the Barbarians who had slain his father. His bles were suspicious that Kobad never forgave the authors his expulsion, or even those of his restoration. The people as deluded and inflamed by the fanaticism of Mazdak,[44] who

[43] All the details of these Turkish and Roman embassies, so curious in the history of human manners, are drawn from the Extracts of Menander (p. 106-110, -154, 161-164 [frs. 18, 19, 20, 21, 43, in F. H. G. iv.]), in which we often regret want of order and connexion.

[44] See d'Herbelot (Bibliot. Orient. p. 568, 929); Hyde (de Religione Vet. Per-

asserted the community of women[45] and the equality of mankind, whilst he appropriated the richest lands and most beautiful females to the use of his sectaries. The view of these disorders which had been fomented by his laws and example,[46] embittered the declining age of the Persian monarch; and his fears were increased by the consciousness of his design to reverse the natural and customary order of succession, in favour of his third and most favoured son, so famous under the names of Chosroes and Nushirvan. To render the youth more illustrious in the eyes of the nations, Kobad was desirous that he should be adopted by the emperor Justin; the hope of peace inclined the Byzantine court to accept this singular proposal; and Chosroes might have acquired a specious claim to the inheritance of his Roman parent. But the future mischief was diverted by the advice of the quæstor Proclus: a difficulty was started, whether the adoption should be performed as a civil or military rite;[47] the treaty was abruptly dissolved; and the sense of this indignity sunk deep into the mind of Chosroes, who had already advanced to the Tigris on his road to Constantinople. His father did not long survive the disappointment of his wishes; the testament of their deceased sovereign was read in the assembly of the nobles; and a powerful faction, prepared for the event and regardless of the priority of age, exalted Chosroes to the throne of Persia. He filled that throne during a prosperous period of forty-eight years;[48] and the JUSTICE of Nushirvan is celebrated as the theme of immortal praise by the nations of the East.

[Death of Cobad. Sept. 13, A.D. 531]

[Anōsharvān]

sarum, c. 21, p. 290, 291); Pocock (Specimen Hist. Arab. p. 70, 71); Eutychius (Annal. tom. ii. p. 176); Texeira (in Stevens, Hist. of Persia, l. i. c. 34). [See further Tabari, ed. Nöldeke, p. 141 *sqq.*, and Nöldeke's fourth excursus, p. 43 *sqq.* The doctrine preached by Mazdak was not invented by him but was due to an unknown namesake of the great Zarathushtra (Zoroaster). Its religious character distinguishes Mazdakism from all modern socialistic theories. Cobad's object in adopting this doctrine was to damage the nobility by undermining the institution of the family and the laws of inheritance.]

[45] The fame of the new law for the community of women was soon propagated in Syria (Asseman. Bibliot. Orient. tom. iii. p. 402) and Greece (Procop. Persic. l. i. c. 5).

[46] He offered his own wife and sister to the prophet; but the prayers of Nushirvan saved his mother, and the indignant monarch never forgave the humiliation to which his filial piety had stooped: pedes tuos deosculatus (said he to Mazdak) cujus fætor adhuc nares occupat (Pocock, Specimen Hist. Arab. p. 71).

[47] Procopius, Persic. l. i. c. 11. Was not Proclus overwise? Was not the danger imaginary?—The excuse, at least, was injurious to a nation not ignorant of letters: οὐ γράμμασι οἱ βάρβαροι τοὺς παῖδας ποιοῦνται ἀλλ' ὅπλων σκευῇ. Whether any mode of adoption was practised in Persia, I much doubt.

[48] From Procopius and Agathias, Pagi (tom. ii. p. 543, 626) has proved that Chosroes Nushirvan ascended the throne in the vth year of Justinian (A.D. 53

Reign of Nushirvan, or Chosroes. A.D. 531-579

But the justice of kings is understood by themselves, and ren by their subjects, with an ample indulgence for the grati- ation of passion and interest. The virtue of Chosroes was iat of a conqueror, who, in the measures of peace and war, is xcited by ambition and restrained by prudence; who confounds ie greatness with the happiness of a nation, and calmly devotes ie lives of thousands to the fame, or even the amusement, of single man. In his domestic administration, the just Nushirvan ould merit, in our feelings, the appellation of a tyrant. His vo elder brothers had been deprived of their fair expectations f the diadem; their future life, between the supreme rank and ie condition of subjects, was anxious to themselves and for- idable to their master; fear as well as revenge might tempt iem to rebel; the slightest evidence of a conspiracy satisfied ie author of their wrongs; and the repose of Chosroes was ecured by the death of these unhappy princes, with their milies and adherents. One guiltless youth was saved and smissed by the compassion of a veteran general; and this act humanity, which was revealed by his son, overbalanced the erit of reducing twelve nations to the obedience of Persia. he zeal and prudence of Mebodes had fixed the diadem on ie head of Chosroes himself; but he delayed to attend the yal summons, till he had performed the duties of a military view: he was instantly commanded to repair to the iron ipod, which stood before the gate of the palace,[49] where it as death to relieve or approach the victim; and Mebodes nguished several days before his sentence was pronounced, by ie inflexible pride and calm ingratitude of the son of Kobad. ut the people, more especially in the East, is disposed to rgive, and even to applaud, the cruelty which strikes at the ftiest heads; at the slaves of ambition, whose voluntary choice as exposed them to live in the smiles, and to perish by the own, of a capricious monarch. In the execution of the laws hich he had no temptation to violate; in the punishment of imes which attacked his own dignity, as well as the happiness

oril 1—A.D. 532, April 1). But the true chronology, which harmonizes with the eeks and Orientals, is ascertained by John Malala (tom. ii. 211). Cabades, or obad, after a reign of forty-three years and two months, sickened the 8th, and d the 13th of September, A.D. 531, aged eighty-two years. According to the nals of Eutychius, Nushirvan reigned forty-seven years and six months; and death must consequently be placed in March, A.D. 579. [The name Nushirvan roperly, Anōsharvān) seems to mean *having an immortal soul, blessed.* Cp. öldeke, *op. cit.* p. 136.]

[49] Procopius, Persic. l. i. c. 23. Brisson, de Regn. Pers. p. 494. The gate of e palace of Ispahan is, or was, the fatal scene of disgrace or death (Chardin, oyage en Perse, tom. iv. p. 312, 313).

of individuals; Nushirvan, or Chosroes, deserved the appellation of *just*. His government was firm, rigorous, and impartial. It was the first labour of his reign to abolish the dangerous theory of common or equal possessions; the lands and women which the sectaries of Mazdak had usurped were restored to their lawful owners; and the temperate chastisement of the fanatics or impostors confirmed the domestic rights of society.[50] Instead of listening with blind confidence to a favourite minister, he established four viziers over the four great provinces of his empire, Assyria, Media, Persia, and Bactriana. In the choice of judges, præfects, and counsellors, he strove to remove the mask which is always worn in the presence of kings; he wished to substitute the natural order of talents for the accidental distinctions of birth and fortune; he professed, in specious language, his intention to prefer those men who carried the poor in their bosoms, and to banish corruption from the seat of justice, as dogs were excluded from the temples of the Magi. The code of laws of the first Artaxerxes was revived and published as the rule of the magistrates; but the assurance of speedy punishment was the best security of their virtue. Their behaviour was inspected by a thousand eyes, their words were overheard by a thousand ears, the secret or public agents of the throne; and the provinces, from the Indian to the Arabian confines, were enlightened by the frequent visits of a sovereign who affected to emulate his celestial brother in his rapid and salutary career. Education and agriculture he viewed as the two objects most deserving of his care. In every city of Persia, orphans and the children of the poor were maintained and instructed at the public expense; the daughters were given in marriage to the richest citizens of their own rank, and the sons, according to their different talents, were employed in mechanic trades or promoted to more honourable service. The deserted villages were relieved by his bounty; to the peasants and farmers who were found incapable of cultivating their lands, he distributed cattle, seed, and the instruments of husbandry; and the rare and inestimable treasure of fresh water was parsimoniously managed and skilfully dispersed over the arid territory of Persia.[51] The prosperity of that kingdom was the effect and

[50] [Arabic authorities place the massacre of the Mazdakites after the accession of Chosroes. It really took place in 528-9, while Cobad was still reigning. Cp. Malalas, p. 444, and Nöldeke, *op. cit.* p. 465. There *may* have been a second massacre, as Nöldeke admits.]

[51] In Persia, the prince of the waters is an officer of state. The number of wells and subterraneous channels is much diminished, and with it the fertility of the

e evidence of his virtues; his vices are those of Oriental
espotism; but in the long competition between Chosroes and
ustinian the advantage both of merit and fortune is almost
ways on the side of the Barbarian.[52]

His love of learning

To the praise of justice Nushirvan united the reputation of
nowledge; and the seven Greek philosophers, who visited his
urt, were invited and deceived by the strange assurance that a
sciple of Plato was seated on the Persian throne. Did they
xpect that a prince, strenuously exercised in the toils of war
nd government, should agitate, with dexterity like their own,
e abstruse and profound question which amused the leisure of
e schools of Athens? Could they hope that the precepts of
hilosophy should direct the life, and control the passions, of a
espot whose infancy had been taught to consider *his* absolute
d fluctuating will as the only rule of moral obligation?[53] The
udies of Chosroes were ostentatious and superficial, but his
ample awakened the curiosity of an ingenious people, and the
ght of science was diffused over the dominions of Persia.[54] At
ondi Sapor,[55] in the neighbourhood of the royal city of Susa,
academy of physic was founded, which insensibly became a
eral school of poetry, philosophy, and rhetoric.[56] The annals
the monarchy[57] were composed; and, while recent and au-

l: 400 wells have been recently lost near Tauris, and 42,000 were once reckoned the province of Khorasan (Chardin, tom. iii. p. 99, 100. Tavernier, tom. i. p. 5).

52 The character and government of Nushirvan is represented sometimes in the rds of d'Herbelot (Bibliot. Orient. p. 680, &c. from Khondemir), Eutychius nal. tom. ii. p. 179, 180—very rich), Abulpharagius (Dynast. vii. p. 94, 95—y poor), Tarikh Shikard (p. 144-150), Texeira (in Stevens, l. i. c. 35), Asseman bliot. Orient. tom. iii. p. 404-410), and the Abbé Fourmont (Hist. de l'Acad. des criptions, tom. vii. p. 325-334), who has translated a spurious or genuine testa-nt of Nushirvan. [Also Tabari (ed. Nöldeke, p. 251 *sqq.*). For an account of domestic government of Chosroes see Rawlinson's Seventh Oriental Monarchy.]

53 A thousand years before his birth, the judges of Persia had given a solemn nion τῷ βασιλεύοντι Περσέων ἐξεῖναι ποιέειν το ἂν βούληται (Herodot. l. iii. c. 31, 210, edit. Wesseling). Nor had this constitutional maxim been neglected as an less and barren theory.

54 On the literary state of Persia, the Greek versions, philosophers, sophists, the rning or ignorance of Chosroes, Agathias (l. ii. c. 66-71) displays much in-nation and strong prejudices.

55 [For this town (to be sought in the ruins of Shāhābād) see Nöldeke, *op. cit.* 2. It was the capital of Susiana.]

56 Asseman. Bibliot. Orient. tom. iv. p. DCCXLV. vi. vii.

57 The Shah Nameh, or book of Kings, is perhaps the original record of history ch was translated into Greek by the interpreter Sergius (Agathias, l. v. p. 141), served after the Mahometan conquest, and versified in the year 994, by the ional poet Ferdoussi. See d'Anquetil (Mém. de l'Académie, tom. xxxi. p. 379),

thentic history might afford some useful lessons both to th prince and people, the darkness of the first ages was embel lished by the giants, the dragons, and the fabulous heroes c Oriental romance.[58] Every learned or confident stranger wa enriched by the bounty, and flattered by the conversation, c the monarch: he nobly rewarded a Greek physician,[59] by th deliverance of three thousand captives; and the sophists wh contended for his favour, were exasperated by the wealth an insolence of Uranius, their more successful rival. Nushirva believed, or at least respected, the religion of the Magi; an some traces of persecution may be discovered in his reign.[6 Yet he allowed himself freely to compare the tenets of th various sects; and the theological disputes in which he fre quently presided diminished the authority of the priest an enlightened the minds of the people. At his command, th most celebrated writers of Greece and India were translate into the Persian language: a smooth and elegant idiom, recom mended by Mahomet to the use of paradise though it is brande with the epithets of savage and unmusical by the ignoranc and presumption of Agathias.[61] Yet the Greek historian migh reasonably wonder that it should be found possible to execut an entire version of Plato and Aristotle in a foreign dialect which had not been framed to express the spirit of freedom an the subtleties of philosophic disquisition. And, if the reason o the Stagyrite might be equally dark or equally intelligible i

and Sir William Jones (Hist. of Nadir Shah, p. 161). [The Shāhnāma was begu by Dakīkī and completed by Firdausī (who died A.D. 1020). The material probabl goes back to a lost Chodainâma, or book of Lords, drawn up by the orders Nushirvan, and worked up into a fuller form under Yazdegerd iii. (633-637). Se Nöldeke, Tabari, p. xv.]

[58] In the fifth century the name of Restom or Rostam, an hero who equalled th strength of twelve [*leg.* 120] elephants, was familiar to the Armenians (Mos Chorenensis, Hist. Armen. l. ii. c. 7, p. 96, edit. Whiston). In the beginning the seventh, the Persian romance of Rostam and Isfendiar was applauded Mecca (Sale's Koran, c. xxxi. p. 335). Yet this exposition of ludicrum nov historiæ is not given by Maracci (Refutat. Alcoran. p. 544-548).

[59] Procop. Goth. l. iv. c. 10. Kobad had a favourite Greek physician, Stephe of Edessa (Persic. l. ii. c. 26). The practice was ancient; and Herodotus relat the adventures of Democedes of Crotona (l. iii. c. 125-137).

[60] See Pagi, tom ii. p. 626. In one of the treaties an honourable article w inserted for the toleration and burial of the Catholics (Menander, in Excerp Legat. p. 142 [fr. 11; p. 213 in F. H. G. iv.]). Nushizad, a son of Nushirva was a Christian, a rebel, and—a martyr? (D'Herbelot, p. 681.)

[61] On the Persian language, and its three dialects, consult d'Anquetil (p. 339-34 and Jones (p. 153-185): ἀγρίᾳ τινὶ γλώττῃ καὶ ἀμουσοτάτῃ, is the character whi Agathias (l. ii. p. 66) ascribes to an idiom renowned in the East for poetical so ness.

ery tongue, the dramatic art and verbal argumentation of the sciple of Socrates [62] appear to be indissolubly mingled with the ace and perfection of his Attic style. In the search of uni- rsal knowledge, Nushirvan was informed that the moral and litical fables of Pilpay, an ancient Brachman, were preserved th jealous reverence among the treasures of the kings of dia. The physician Perozes was secretly dispatched to the [Barzoe] nks of the Ganges, with instructions to procure, at any price, e communication of this valuable work. His dexterity ob- ined a transcript, his learned diligence accomplished the trans- tion; and the fables of Pilpay [63] were read and admired in the sembly of Nushirvan and his nobles. The Indian original and e Persian copy have long since disappeared; but this venerable onument has been saved by the curiosity of the Arabian liphs, revived in the modern Persic, the Turkish, the Syriac, the ebrew, and the Greek idioms, and transfused through succes- ve versions into the modern languages of Europe. In their esent form the peculiar character, the manners and religion the Hindoos, are completely obliterated; and the intrinsic erit of the fables of Pilpay is far inferior to the concise ele- nce of Phædrus and the native graces of La Fontaine. Fifteen oral and political sentences are illustrated in a series of ologues; but the composition is intricate, the narrative pro-

[62] Agathias specifies the Gorgias, Phædon, Parmenides, and Timæus. Re- idot (Fabricius, Bibliot. Græc. tom. xii. p. 246-261) does not mention this Bar- ic version of Aristotle.

[63] Of these fables, I have seen three copies in three different languages: 1. In *eek*, translated by Simeon Seth (A.D. 1100) from the Arabic, and published by rck at Berlin in 1697, in 12mo. 2. In *Latin*, a version from the Greek, Sapientia lorum, inserted by Père Poussin at the end of his edition of Pachymer (p. 547- , edit. Roman). 3. In *French*, from the Turkish, dedicated, in 1540, to Sultan iman: Contes et Fables Indiennes de Bidpai et de Lokman, par MM. Galland Cardonne, Paris, 1778, 3 vols. in 12mo. Mr. Wharton (History of English etry, vol. i. p. 129-131) takes a larger scope. [These fables formed the collec- n entitled the Panchatantra. They are translated from Sanskrit into German by eodore Benfey, who in the first volume of his famous work (Pantschatantra, 9) gives a full account of the origin and diffusion of the fables. There is no son to doubt that they were translated into Pehlevī in Nushirvan's reign (cp. nfey, *op. cit.* i. p. 6, footnote), and from this translation was made in 8th century extant Arabic version (ed. by Silvestre de Sacy, "Calila et Dimna ou fables de 'pai," 1816; English translation by Knatchbull, 1819). Then this Arabic sion was translated into Persian (12th century) by Nasr Allah, and a free re- sion of this version by Husain Vaïz was done into English by Eastwick, 1854. he Greek translation of Seth the title is not Kalilah and Dimnah, but "Stephanites l Ichnelates". It has been edited critically by V. Puntoni (1889). A Syriac sion has been edited by W. Wright (1884), and translated into English by Mr. ith Falconer (1885). See further, Benfey, *op. cit.*; Krumbacher, Gesch. der byz. t. p. 895. It may be added that Bidpai was a philosopher who appears in some he fables; and their authorship was ascribed to him by the Arabic translator.]

lix, and the precept obvious and barren. Yet the Brachman may assume the merit of *inventing* a pleasing fiction, which adorns the nakedness of truth, and alleviates, perhaps, to a royal ear the harshness of instruction. With a similar design to admonish kings that they are strong only in the strength of their subjects, the same Indians invented the game of chess, which was likewise introduced into Persia under the reign of Nushirvan.[64]

Peace and war with the Romans. A.D 533-538

The son of Kobad found his kingdom involved in a war with the successor of Constantine; and the anxiety of his domestic situation inclined him to grant the suspension of arms, which Justinian was impatient to purchase. Chosroes saw the Roman ambassadors at his feet. He accepted eleven thousand pounds of gold, as the price of an *endless* or indefinite peace;[65] some mutual exchanges were regulated; the Persian assumed the guard of the gates of Caucasus, and the demolition of Dara was suspended, on condition that it should never be made the residence of the general of the East. This interval of repose had been solicited, and was diligently improved, by the ambition of the emperor; his African conquests were the first fruits of the Persian treaty; and the avarice of Chosroes was soothed by a large portion of the spoils of Carthage, which his ambassadors required in a tone of pleasantry and under the colour of friendship.[66] But the trophies of Belisarius disturbed the slumbers of the great king; and he heard with astonishment, envy, and fear, that Sicily, Italy, and Rome itself had been reduced in three rapid campaigns to the obedience of Justinian. Unpractised in the art of violating treaties, he secretly excited his bold and subtle vassal Almondar. That prince of the Saracens who resided at Hira,[67] had not been included in the general peace, and still waged an obscure war against his rival Arethas

[Harith]

[64] See the Historia Shahiludii of Dr. Hyde (Syntagm. Dissertat. tom. ii. p. 61-69). [Van der Linde, Geschichte und Litteratur des Schachspiels, 1874; D. Forbes History of Chess, 1860.]

[65] The endless peace (Procopius, Persic. l. i. c. 21) was concluded or ratified in the vith year and iiid consulship of Justinian (A.D. 533, between January 1, and April 1, Pagi, tom. ii. p. 550). Marcellinus, in his Chronicle, uses the style of Medes and Persians.

[66] Procopius, Persic. l. i. c. 26.

[67] Almondar, king of Hira, was deposed by Kobad, and restored by Nushirvan. [So Hamza; but it is doubtful.] His mother, from her beauty, was surnamed *Celestial Water*, an appellation which became hereditary, and was extended for a more noble cause (liberality in famine) to the Arab princes of Syria (Pocock, Specimen Hist. Arab. p. 69, 70). [Between the territories of Hira and the Ghassanide was the region of the Tha'labites, who are mentioned by Josua Stylites (c. 57) as within the sphere of Roman influence. For the career of Almondar (Mundhir) king of Hira A.D. 505-554, cp. Nöldeke, Tabari, p. 170-1.]

the chief of the tribe of Gassan, and confederate of the empire. The subject of their dispute was an extensive sheep-walk in the desert to the south of Palmyra. An immemorial tribute for the licence of pasture appeared to attest the rights of Almondar, while the Gassanite appealed to the Latin name of strata, a paved road, as an unquestionable evidence of the sovereignty and labours of the Romans.[68] The two monarchs supported the cause of their respective vassals; and the Persian Arab, without expecting the event of a slow and doubtful arbitration, enriched his flying camp with the spoil and captives of Syria. Instead of repelling the arms, Justinian attempted to seduce the fidelity, of Almondar, while he called from the extremities of the earth the nations of Æthiopia and Scythia to invade the dominions of his rival. But the aid of such allies was distant and precarious, and the discovery of this hostile correspondence justified the complaints of the Goths and Armenians, who implored, almost at the same time, the protection of Chosroes. The descendants of Arsaces, who were still numerous in Armenia, had been provoked to assert the last relics of national freedom and hereditary rank; and the ambassadors of Vitiges had secretly traversed the empire to expose the instant, and almost inevitable, danger of the kingdom of Italy. Their representations were uniform, weighty, and effectual. "We stand before your throne, the advocates of your interest as well as of our own. The ambitious and faithless Justinian aspires to be the sole master of the world. Since the endless peace, which betrayed the common freedom of mankind, that prince, your ally in words, your enemy in actions, has alike insulted his friends and foes, and has filled the earth with blood and confusion. Has he not violated the privileges of Armenia, the independence of Colchos, and the wild liberty of the Tzanian mountains? Has he not usurped, with equal avidity, the city of Bosphorus on the frozen Mæotis and the vale of palm-trees on the shores of the Red Sea? The Moors, the Vandals, the Goths, have been successively oppressed, and each nation has calmly remained the spectator of their neighbour's ruin. Embrace, O king! the favourable moment; the East is left without defence, while the armies of Justinian and his renowned general are detained in the distant regions of the West. If you hesitate and delay, Belisarius and his victorious troops will soon return

[68] Procopius, Persic. l. ii. c. 1. We are ignorant of the origin and object of this *strata*, a paved road of ten days' journey from Auranitis to Babylonia. (See a Latin note in Delisle's Map Imp. Orient.) Wesseling and d'Anville are silent.

from the Tiber to the Tigris, and Persia may enjoy the wretched consolation of being the last devoured." [69] By such arguments Chosroes was easily persuaded to imitate the example which he condemned; but the Persian, ambitious of military fame, disdained the inactive warfare of a rival, who issued his sanguinary commands from the secure station of the Byzantine palace.

He invades Syria. A.D. 540

Whatever might be the provocations of Chosroes, he abused the confidence of treaties; and the just reproaches of dissimulation and falsehood could only be concealed by the lustre of his victories.[70] The Persian army, which had been assembled in the plains of Babylon, prudently declined the strong cities of Mesopotamia, and followed the western bank of the Euphrates, till the small, though populous, town of Dura presumed to arrest the progress of the great king. The gates of Dura, by treachery and surprise, were burst open; and, as soon as Chosroes had stained his scymitar with the blood of the inhabitants, he dismissed the ambassador of Justinian to inform his master in what place he had left the enemy of the Romans. The conqueror still affected the praise of humanity and justice; and, as he beheld a noble matron with her infant rudely dragged along the ground, he sighed, he wept, and implored the divine justice to punish the author of these calamities. Yet the herd of twelve thousand captives was ransomed for two hundred pounds of gold; the neighbouring bishop of Sergiopolis pledged his faith for the payment; and in the subsequent year the unfeeling avarice of Chosroes exacted the penalty of an obligation which it was generous to contract and impossible to discharge. He advanced into the heart of Syria; but a feeble enemy, who vanished at his approach, disappointed him of the honour of victory; and, as he could not hope to establish his dominion, the Persian king displayed in this inroad the mean and rapacious vices of a robber. Hierapolis, Berrhœa or Aleppo, Apamea, and Chalcis were successively besieged; they redeemed their safety by a ransom of gold or silver, proportioned to their respective strength and opulence;

[Sura]

[69] I have blended, in a short speech, the two orations of the Arsacides of Armenia and the Gothic ambassadors. Procopius, in his public history, feels, and makes us feel, that Justinian was the true author of the war (Persic. l. ii. c. 2, 3).

[70] The invasion of Syria, the ruin of Antioch, &c. are related in a full and regular series by Procopius (Persic. l. ii. c. 5-14). Small collateral aid can be drawn from the Orientals: yet not they, but d'Herbelot himself (p. 680), should blush, when he blames them for making Justinian and Nushirvan contemporaries. On the geography of the seat of war, D'Anville (l'Euphrate et le Tigre) is sufficient and satisfactory.

nd their new master enforced, without observing, the terms f capitulation. Educated in the religion of the Magi, he xercised, without remorse, the lucrative trade of sacrilege; nd, after stripping of its gold and gems a piece of the true ross, he generously restored the naked relic to the devotion f the Christians of Apamea. No more than fourteen years ad elapsed since Antioch was ruined by an earthquake; but he queen of the East, the new Theopolis, had been raised rom the ground by the liberality of Justinian; and the in- reasing greatness of the buildings and the people already rased the memory of this recent disaster. On one side, the ity was defended by the mountain, on the other by the river Orontes; but the most accessible part was commanded by a uperior eminence; the proper remedies were rejected, from he despicable fear of discovering its weakness to the enemy; nd Germanus, the emperor's nephew, refused to trust his erson and dignity within the walls of a besieged city. The eople of Antioch had inherited the vain and satirical genius f their ancestors: they were elated by a sudden reinforcement f six thousand soldiers; they disdained the offers of an easy apitulation; and their intemperate clamours insulted from he ramparts the majesty of the great king. Under his eye the Persian myriads mounted with scaling-ladders to the assault; he Roman mercenaries fled through the opposite gate of Daphne; and the generous resistance of the youth of Antioch erved only to aggravate the miseries of their country. As Chosroes, attended by the ambassadors of Justinian, was de- cending from the mountain, he affected, in a plaintive voice, o deplore the obstinacy and ruin of that unhappy people; but he slaughter still raged with unrelenting fury; and the city, t the command of a Barbarian, was delivered to the flames. The cathedral of Antioch was indeed preserved by the avarice, ot the piety, of the conqueror; a more honourable exemption vas granted to the church of St. Julian and the quarter of the own where the ambassadors resided; some distant streets vere saved by the shifting of the wind; and the walls still ubsisted to protect, and soon to betray, their new inhabitants. Fanaticism had defaced the ornaments of Daphne, but Chosroes reathed a purer air amidst her groves and fountains; and ome idolaters in his train might sacrifice with impunity to the ymphs of that elegant retreat. Eighteen miles below Antioch, he river Orontes falls into the Mediterranean. The haughty Persian visited the term of his conquests; and, after bathing alone

And ruins Antioch

in the sea, he offered a solemn sacrifice of thanksgiving to the sun, or rather to the creator of the sun, whom the Magi adored. If this act of superstition offended the prejudices of the Syrians they were pleased by the courteous and even eager attention with which he assisted at the games of the circus; and, a Chosroes had heard that the *blue* faction was espoused by the emperor, his peremptory command secured the victory of the *green* charioteer. From the discipline of his camp the people derived more solid consolation; and they interceded in vain for the life of a soldier who had too faithfully copied the rapine of the just Nushirvan. At length, fatigued, though unsatiated, with the spoil of Syria, he slowly moved to the Euphrates, formed a temporary bridge in the neighbourhood of Barbalissus, and defined the space of three days for the entire passage of his numerous host. After his return, he founded, at the distance of one day's journey from the palace of Ctesiphon, a new city, which perpetuated the joint names of Chosroes and of Antioch.[71] The Syrian captives recognised the form and situation of their native abodes; baths and a stately circus were constructed for their use; and a colony of musicians and charioteers revived in Assyria the pleasures of a Greek capital. By the munificence of the royal founder, a liberal allowance was assigned to these fortunate exiles; and they enjoyed the singular privilege of bestowing freedom on the slaves whom they acknowledged as their kinsmen. Palestine and the holy wealth of Jerusalem were the next objects that attracted the ambition, or rather the avarice, of Chosroes. Constantinople and the palace of the Cæsars no longer appeared impregnable or remote; and his aspiring fancy already covered Asia Minor with the troops, and the Black Sea with the navies, of Persia.

Defence of the East by Belisarius. A.D. 541

These hopes might have been realised, if the conqueror of Italy had not been seasonably recalled to the defence of the East.[72] While Chosroes pursued his ambitious designs on the coast of the Euxine, Belisarius, at the head of an army without

[71] [The foundation of this city is described by Tabari, p. 165 and p. 239 (ed. Nöldeke), who calls it Rūmiya. Its official name was something like Weh-Antioch-Chosrau, as Nöldeke suggests. For we meet it in the Armenian history of Sebaeos (Russ. transl. by Patkanian, p. 29), in the form Wech-Andzhatok-Chosrov. Procopius gives Ἀντιόχειαν Χοσρόου; in Theophylactus and John of Ephesus the town is called simply Antioch.]

[72] In the public history of Procopius (Persic. l. ii. c. 16, 18, 19, 20, 21, 24, 25, 26, 27, 28); and, with some slight exceptions, we may reasonably shut our ears against the malevolent whisper of the Anecdotes (c. 2, 3, with the Notes, as usual of Alemannus).

pay or discipline, encamped beyond the Euphrates within six miles of Nisibis. He meditated, by a skilful operation, to draw the Persians from their impregnable citadel, and, improving his advantage in the field, either to intercept their retreat or perhaps to enter the gates with the flying Barbarians. He advanced one day's journey on the territories of Persia, reduced the fortress of Sisaurane, and sent the governor, with eight hundred chosen horsemen, to serve the emperor in his Italian wars. He detached Arethas and his Arabs, supported by twelve hundred Romans, to pass the Tigris, and to ravage the harvests of Assyria, a fruitful province, long exempt from the calamities of war. But the plans of Belisarius were disconcerted by the untractable spirit of Arethas, who neither returned to the camp nor sent any intelligence of his motions. The Roman general was fixed in anxious expectation to the same spot; the time of action elapsed; the ardent sun of Mesopotamia inflamed with fevers the blood of his European soldiers; and the stationary troops and officers of Syria affected to tremble for the safety of their defenceless cities. Yet this diversion had already succeeded in forcing Chosroes to return with loss and precipitation; and, if the skill of Belisarius had been seconded by discipline and valour, his success might have satisfied the sanguine wishes of the public, who required at his hands the conquest of Ctesiphon and the deliverance of the captives of Antioch. At the end of the campaign, he was recalled to A.D 542
Constantinople by an ungrateful court, but the dangers of the ensuing spring restored his confidence and command; and the hero, almost alone, was despatched, with the speed of post-horses, to repel, by his name and presence, the invasion of Syria. He found the Roman generals, among whom was a nephew of Justinian, imprisoned by their fears in the fortifications of Hierapolis. But instead of listening to their timid counsels, Belisarius commanded them to follow him to Europus, where he had resolved to collect his forces, and to execute whatever God should inspire him to achieve against the enemy. His firm attitude on the banks of the Euphrates restrained Chosroes from advancing towards Palestine; and he received with art and dignity the ambassadors, or rather spies, of the Persian monarch. The plain between Hierapolis and the river was covered with the squadrons of cavalry, six thousand hunters, tall and robust, who pursued their game without the apprehension of an enemy. On the opposite bank the ambassadors descried a thousand Armenian horse, who appeared to guard

the passage of the Euphrates. The tent of Belisarius was o
the coarsest linen, the simple equipage of a warrior who dis
dained the luxury of the East. Around his tent, the nation
who marched under his standard were arranged with skilfu
confusion. The Thracians and Illyrians were posted in th
front, the Heruli and Goths in the centre; the prospect wa
closed by the Moors and Vandals, and their loose array seeme
to multiply their numbers. Their dress was light and active
one soldier carried a whip, another a sword, a third a bow, a
fourth perhaps a battle-axe; and the whole picture exhibite
the intrepidity of the troops and the vigilance of the general
Chosroes was deluded by the address, and awed by the genius
of the lieutenant of Justinian. Conscious of the merit, an
ignorant of the force, of his antagonist, he dreaded a decisive
battle in a distant country, from whence not a Persian migh
return to relate the melancholy tale. The great king hastene
to repass the Euphrates; and Belisarius pressed his retreat, b
affecting to oppose a measure so salutary to the empire an
which could scarcely have been prevented by an army of a
hundred thousand men. Envy might suggest to ignorance an
pride that the public enemy had been suffered to escape; bu
the African and Gothic triumphs are less glorious than this saf
and bloodless victory, in which neither fortune nor the valou
of the soldiers can subtract any part of the general's renown
A.D. 543, &c. The second removal of Belisarius from the Persian to the Italia
war revealed the extent of his personal merit, which ha
corrected or supplied the want of discipline and courage
Fifteen generals, without concert or skill, led through th
mountains of Armenia an army of thirty thousand Romans
inattentive to their signals, their ranks, and their ensigns
Four thousand Persians, entrenched in the camp of Dubis
vanquished, almost without a combat, this disorderly multitude
their useless arms were scattered along the road, and thei
horses sunk under the fatigue of their rapid flight. But th
Arabs of the Roman party prevailed over their brethren; th
Armenians returned to their allegiance; the cities of Dara an
Edessa resisted a sudden assault and a regular siege; and th
calamities of war were suspended by those of pestilence. A
tacit or formal agreement between the two sovereigns protecte
the tranquillity of the eastern frontier; and the arms of Chosroe
were confined to the Colchian or Lazic war, which has been to
minutely described by the historians of the times.[73]

[73] The Lazic war, the contest of Rome and Persia on the Phasis, is tedious

Description of Colchos, Lazica, or Mingrelia

The extreme length of the Euxine sea,[74] from Constantinople
o the mouth of the Phasis, may be computed as a voyage of
ine days and a measure of seven hundred miles. From the
erian Caucasus, the most lofty and craggy mountains of Asia,
at river descends with such oblique vehemence that in a short
ace it is traversed by one hundred and twenty bridges. Nor
es the stream become placid and navigable till it reaches the
wn of Sarapana, five days' journey from the Cyrus, which
ws from the same hills, but in a contrary direction, to the
aspian lake. The proximity of these rivers has suggested the
actice, or at least the idea, of wafting the precious merchan-
se of India down the Oxus, over the Caspian, up the Cyrus,
d with the current of the Phasis into the Euxine and Medi-
rranean seas. As it successively collects the streams of the
ain of Colchos, the Phasis moves with diminished speed,
ough accumulated weight. At the mouth it is sixty fathom
ep and half a league broad, but a small woody island is inter-
sed in the midst of the channel: the water, so soon as it has
posited an earthy or metallic sediment, floats on the surface
the waves and is no longer susceptible of corruption. In
course of one hundred miles, forty of which are navigable
r large vessels, the Phasis divides the celebrated region of
lchos,[75] or Mingrelia,[76] which, on three sides, is fortified by

un through many a page of Procopius (Persic. l. ii. c. 15, 17, 28, 29, 30. Gothic. v. c. 7-16), and Agathias (l. ii. iii. and iv. p. 55-132, 141). [For a full account in glish see Bury's Later Roman Empire, i. p. 427-430, and 441 *sqq.*]

[74] The *Periplus*, or circumnavigation of the Euxine sea, was described in Latin Sallust, and in Greek by Arrian: 1. The former work, which no longer exists, s been restored by the *singular* diligence of M. de Brosses, first president of the rliament of Dijon (Hist. de la République Romaine, tom. ii. l. iii. p. 199-298), o ventures to assume the character of the Roman historian. His description of e Euxine is ingeniously formed of *all* the fragments of the original, and of *all* e Greeks and Latins whom Sallust might copy, or by whom he might be copied; d the merit of the execution atones for the whimsical design. 2. The Periplus of rian is addressed to the emperor Hadrian (in Geograph. Minor. Hudson, tom. and contains whatever the governor of Pontus had seen [A.D. 131-2], from ebizond to Dioscurias; whatever he had heard, from Dioscurias to the Danube; d whatever he knew, from the Danube to Trebizond. [It is included in Müller's og. Græc. Min. i. p. 257 *sqq.* For Arrian see Mr. Pelham's article in Eng. st. Review, Oct. 1896.]

[75] Besides the many occasional hints from the poets, historians, &c. of anti-ity, we may consult the geographical descriptions of Colchos, by Strabo (l. xi. 760-765 [2, § 14-19]), and Pliny (Hist. Natur. vi. 5, 19, &c.).

[76] I shall quote, and have used, three modern descriptions of Mingrelia and the jacent countries. 1. Of the Père Archangeli Lamberti (Relations de Thévenot, rt i. p. 31-52, with a map), who has all the knowledge and prejudices of a ssionary. 2. Of Chardin (Voyages en Perse, tom. i. p. 54, 68-168): his obser-ions are judicious; and his own adventures in the country are still more

the Iberian and Armenian mountains, and whose maritime coa extends about two hundred miles, from the neighbourhood Trebizond to Dioscurias, and the confines of Circassia. Bot the soil and climate are relaxed by excessive moisture: twenty eight rivers, besides the Phasis and his dependent stream convey their waters to the sea; and the hollowness of th ground appears to indicate the subterraneous channels betwee the Euxine and the Caspian. In the fields where wheat barley is sown, the earth is too soft to sustain the action of th plough; but the *gom*, a small grain not unlike the millet coriander seed, supplies the ordinary food of the people; an the use of bread is confined to the prince and his nobles. Y the vintage is more plentiful than the harvest; and the bulk the stems, as well as the quality of the wine, display the u assisted powers of nature. The same powers continually ten to overshadow the face of the country with thick forests; th timber of the hills and the flax of the plains contribute to th abundance of naval stores; the wild and tame animals, th horse, the ox, and the hog, are remarkably prolific, and th name of the pheasant is expressive of his native habitation the banks of the Phasis. The gold mines to the south Trebizond, which are still worked with sufficient profit, were subject of national dispute between Justinian and Chosroe and it is not unreasonable to believe that a vein of precio metal may be equally diffused through the circle of the hil although these secret treasures are neglected by the lazines or concealed by the prudence, of the Mingrelians. The wate impregnated with particles of gold, are carefully strain through sheep-skins or fleeces; but this expedient, the groun work perhaps of a marvellous fable, affords a faint image of th wealth extracted from a virgin earth by the power and indust of ancient kings. Their silver palaces and golden chambe surpass our belief; but the fame of their riches is said to ha excited the enterprising avarice of the Argonauts.[77] Traditi has affirmed, with some colour of reason, that Egypt planted

instructive than his observations. 3. Of Peyssonnel (Observations sur les Peup Barbares, p. 49, 50, 51, 58, 62, 64, 65, 71, &c. and a more recent treatise, Sur Commerce de la Mer Noire, tom. ii. p. 1-53): he had long resided at Caffa, consul of France; and his erudition is less valuable than his experience. [The b description of the Lazic country in connexion with these wars is that of Bross Hist de la Géorgie, t. i. Additions, iv. p. 81 *sqq.*]

[77] Pliny, Hist. Natur. l. xxxiii. 15. The gold and silver mines of Colch attracted the Argonauts (Strab. l. i. p. 77). The sagacious Chardin could find gold in mines, rivers, or elsewhere. Yet a Mingrelian lost his hand and foot shewing some specimens at Constantinople of native gold.

he Phasis a learned and polite colony,[78] which manufactured inen, built navies, and invented geographical maps. The ngenuity of the moderns has peopled, with flourishing cities nd nations, the isthmus between the Euxine and the Caspian ;[79] nd a lively writer, observing the resemblance of climate, and, n his apprehension, of trade, has not hesitated to pronounce Colchos the Holland of antiquity.[80]

But the riches of Colchos shine only through the darkness of onjecture or tradition; and its genuine history presents an niform scene of rudeness and poverty. If one hundred and hirty languages were spoken in the market of Dioscurias,[81] hey were the imperfect idioms of so many savage tribes or amilies, sequestered from each other in the valleys of mount Caucasus ; [82] and their separation, which diminished the impor- ance, must have multiplied the number, of their rustic capitals. n the present state of Mingrelia, a village is an assemblage f huts within a wooden fence ; the fortresses are seated in the epth of forests ; the princely town of Cyta, or Cotatis, consists f two hundred houses, and a stone edifice appertains only to the nagnificence of kings. Twelve ships from Constantinople and bout sixty barks, laden with the fruits of industry, annually ast anchor on the coast ; and the list of Colchian exports is nuch increased, since the natives had only slaves and hides to ffer in exchange for the corn and salt which they purchased rom the subjects of Justinian. Not a vestige can be found of he art, the knowledge, or the navigation of the ancient Col- hians ; few Greeks desired or dared to pursue the footsteps of he Argonauts ; and even the marks of an Egyptian colony are ost on a nearer approach. The right of circumcision is prac- ised only by the Mahometans of the Euxine ; and the curled air and swarthy complexion of Africa no longer disfigure the

Manners of the natives

[on the Rion]

[78] Herodot. l. ii. c. 104, 105, p. 150, 151. Diodor. Sicul. l. i. p. 33, edit. Vesseling. Dionys. Perieget. 689, and Eustath. ad loc. Scholiast. ad Apollonium rgonaut. l. iv. 282-291.

[79] Montesquieu, Esprit des Loix, l. xxi. c. 6, L'Isthme . . . couvert de villes nations qui ne sont plus.

[80] Bougainville, Mémoires de l'Académie des Inscriptions, tom. xxvi. p. 33, on ne African voyage of Hanno and the commerce of antiquity.

[81] A Greek historian, Timosthenes, had affirmed, in eam ccc nationes dissimilibus nguis descendere ; and the modest Pliny is content to add, et a postea a nostris xxx interpretibus negotia ibi gesta (vi. 5) ; but the word nunc deserta covers a ultitude of past fictions.

[82] [On the Caucasian languages, see a paper by R. N. Cust, Journal Royal Asiatic ociety, xvii. (1885).]

most perfect of the human race. It is in the adjacent climate of Georgia, Mingrelia, and Circassia, that nature has placed, at least to our eyes, the model of beauty in the shape of the limbs, the colour of the skin, the symmetry of the features, and the expression of the countenance.[83] According to the destination of the two sexes, the men seem formed for action, the women for love; and the perpetual supply of females from mount Caucasus has purified the blood, and improved the breed, of the southern nations of Asia. The proper district of Mingrelia, a portion only of the ancient Colchos, has long sustained an exportation of twelve thousand slaves. The number of prisoners or criminals would be inadequate to the annual demand; but the common people are in a state of servitude to their lords: the exercise of fraud or rapine is unpunished in a lawless community; and the market is continually replenished by the abuse of civil and paternal authority. Such a trade,[84] which reduces the human species to the level of cattle, may tend to encourage marriage and population; since the multitude of children enriches their sordid and inhuman parent. But this source of impure wealth must inevitably poison the national manners, obliterate the sense of honour and virtue, and almost extinguish the instincts of nature: the *Christians* of Georgia and Mingrelia are the most dissolute of mankind; and their children, who, in a tender age, are sold into foreign slavery, have already learnt to imitate the rapine of the father and the prostitution of the mother. Yet amidst the rudest ignorance, the untaught natives discover a singular dexterity both of mind and hand; and although the want of union and discipline exposes them to the more powerful neighbours, a bold and intrepid spirit has animated the Colchians of every age. In the host of Xerxes, they served on foot; and their arms were a dagger or a javelin, a wooden casque, and a buckler of raw hides. But in their own country the use of cavalry has more generally prevailed; the meanest of the peasants disdain to walk; the martial nobles are possessed, perhaps, of two hundred horses; and above fifty

[83] Buffon (Hist. Nat. tom. iii. p. 433-437) collects the unanimous suffrage of naturalists and travellers. If, in the time of Herodotus, they were in truth μελάγχροες and οὐλότριχες (and he had observed them with care), this precious fact is an example of the influence of climate on a foreign colony.

[84] The Mingrelian ambassador arrived at Constantinople with two hundred persons; but he ate (*sold*) them day by day, till his retinue was diminished to a secretary and two valets (Tavernier, tom. i. p. 365). To purchase his mistress, a Mingrelian gentleman sold twelve priests and his wife to the Turks (Chardin, tom. i. p. 66).

thousand are numbered in the train of the prince of Mingrelia. The Colchian government has been always a pure and hereditary kingdom; and the authority of the sovereign is only restrained by the turbulence of his subjects. Whenever they were obedient, he could lead a numerous army into the field; but some faith is requisite to believe that the single tribe of the Suanians was composed of two hundred thousand soldiers, or that the population of Mingrelia now amounts to four millions of inhabitants.[85]

Revolutions of Colchos

It was the boast of the Colchians, that their ancestors had checked the victories of Sesostris; and the defeat of the Egyptian is less incredible than his successful progress as far as the foot of mount Caucasus. They sunk, without any memorable effort, under the arms of Cyrus; followed in distant wars the standard of the great king; and presented him every fifth year with one hundred boys and as many virgins, the fairest produce of the land.[86] Yet he accepted this *gift* like the gold and ebony of India, the frankincense of the Arabs, or the negroes and ivory of Æthiopia; the Colchians were not subject to the dominion of a satrap, and they continued to enjoy the name as well as substance of national independence.[87] After the fall of the Persian empire, Mithridates, king of Pontus, added Colchos to the wide circle of his dominions on the Euxine; and, when the natives presumed to request that his son might reign over them, he bound the ambitious youth in chains of gold, and delegated a servant in his place. In the pursuit of Mithridates, the Romans advanced to the banks of the Phasis, and their galleys ascended the river till they reached the camp of Pompey and his legions.[88] But the senate, and afterwards the emperors, disdained to reduce that distant and useless conquest into the form of a province. The family of a Greek rhetorician was permitted to reign in Colchos and the

under the Persians, before Christ 500

under the Romans, before Christ 60

[85] Strabo, l. xi. p. 765 [2, § 19]. Lamberti, Relation de la Mingrélie. Yet we must avoid the contrary extreme of Chardin, who allows no more than 20,000 inhabitants to supply an annual exportation of 12,000 slaves: an absurdity unworthy of that judicious traveller.

[86] Herodot. l. iii. c. 97. See, in l. vii. c. 79, their arms and service in the edition of Xerxes against Greece.

[87] Xenophon, who had encountered the Colchians in his retreat (Anabasis, l. v. p. 320, 343, 348, edit. Hutchinson; and Fosters's Dissertation, p. 53-58, in Spelman's English version, vol. ii.), styles them αὐτόνομοι. Before the conquest of Mithridates, they are named by Appian ἔθνος ἀρείμανες (de Bell. Mithridatico, c. 15, tom. i. p. 661, of the last and best edition, by John Schweighæuser, Lipsiæ, 1785, 3 vols. large octavo).

[88] The conquest of Colchos by Mithridates and Pompey is marked by Appian (de Bell. Mithridat.) and Plutarch (in Vit. Pomp.).

adjacent kingdoms from the time of Mark Antony to that o Nero ; and, after the race of Polemo [89] was extinct, the eastern Pontus, which preserved his name, extended no farther than the neighbourhood of Trebizond. Beyond these limits the fortifications of Hyssus, of Apsarus, of the Phasis, of Dioscuria or Sebastopolis, and of Pityus were guarded by sufficient detachments of horse and foot ; and six princes of Colchos received their diadems from the lieutenants of Cæsar. One o these lieutenants, the eloquent and philosophic Arrian, surveyed, and has described, the Euxine coast, under the reign of Hadrian. The garrison which he reviewed at the mouth o the Phasis consisted of four hundred chosen legionaries ; the brick walls and towers, the double ditch, and the military engines on the rampart, rendered this palace inaccessible to the Barbarians ; but the new suburbs, which had been built by the merchants and veterans, required, in the opinion of Arrian some external defence.[90] As the strength of the empire was gradually impaired, the Romans stationed on the Phasis were either withdrawn or expelled ; and the tribe of the Lazi,[91] whose posterity speak a foreign dialect and inhabit the sea coast of Trebizond, imposed their name and dominion on the ancient kingdom of Colchos. Their independence was soon invaded by a formidable neighbour, who had acquired, by arms and treaties, the sovereignty of Iberia. The dependent king of Lazica received his sceptre at the hands of the Persian monarch, and the successors of Constantine acquiesced in this injurious claim, which was proudly urged as a right o immemorable prescription. In the beginning of the sixth century, their influence was restored by the introduction o Christianity, which the Mingrelians still profess with becoming zeal, without understanding the doctrines, or observing th

Visit of Arrian. A.D. 130

Conversion of the Lazi. A.D. 522

[89] We may trace the rise and fall of the family of Polemo, in Strabo (l. xi. p 755 [2, § 3]; l. xii. p. 867 [3, § 29]), Dion Cassius or Xiphilin (p. 588, 593, 601, 71 754, 915, 946, edit. Reimar [49, c. 25, 33, 44; 53, c. 25; 54, c. 24; 59, c. 12; 6 c. 8]), Suetonius (in Neron. c. 18, in Vespasian. c. 8), Eutropius (vii. 14 Josephus (Antiq. Judaic. l. xx. c. 7, p. 970, edit. Havercamp), and Eusebiu (Chron., with Scaliger, Animadvers. p. 196).

[90] In the time of Procopius, there were no Roman forts on the Phasis. Pityu and Sebastopolis were evacuated on the rumour of the Persian (Goth. l. iv. c. 4) but the latter was afterwards restored by Justinian (de Ædif. l. iv. c. 7).

[91] In the time of Pliny, Arrian, and Ptolemy, the Lazi were a particular trib on the northern skirts of Colchos (Cellarius, Geograph. Antiq. tom. ii. p. 222 In the age of Justinian, they spread, or at least reigned, over the whole country At present, they have migrated along the coast towards Trebizond, and compos a rude sea-faring people, with a peculiar language (Chardin, p. 149. Peyssone p. 64).

precepts, of their religion. After the decease of his father, Zathus was exalted to the regal dignity by the favour of the great king; but the pious youth abhorred the ceremonies of the Magi, and sought, in the palace of Constantinople, an orthodox baptism, a noble wife, and the alliance of the emperor Justin. The king of Lazica was solemnly invested with the diadem, and his cloak and tunic of white silk, with a gold border, displayed, in rich embroidery, the figure of his new patron; who soothed the jealousy of the Persian court, and excused the revolt of Colchos, by the venerable names of hospitality and religion. The common interest of both empires imposed on the Colchians the duty of guarding the passes of mount Caucasus, where a wall of sixty miles is now defended by the monthly service of the musqueteers of Mingrelia.[92]

Revolt and repentance of the Colchians

But this honourable connexion was soon corrupted by the avarice and ambition of the Romans. Degraded from the rank of the allies, the Lazi were incessantly reminded, by words and actions, of their dependent state. At the distance of a day's journey beyond the Apsarus, they beheld the rising fortress of Petra,[93] which commanded the maritime country to the south of the Phasis. Instead of being protected by the valour, Colchos was insulted by the licentiousness, of foreign mercenaries; the benefits of commerce were converted into base and vexatious monopoly; and Gubazes, the native prince, was reduced to a pageant of royalty by the superior influence of the officers of Justinian. Disappointed in their expectations of Christian virtue, the indignant Lazi reposed some confidence in the justice of an unbeliever. After a private assurance that their ambassador should not be delivered to the Romans, they publicly solicited the friendship and aid of Chosroes. The sagacious monarch instantly discerned the use and importance of Colchos, and meditated a plan of conquest, which was renewed at the end of a thousand years by Shah Abbas, the wisest and most powerful of his successors.[94] His ambition was fired by the

A.D. 542-549

[92] John Malala, Chron. tom. ii. p. 134-137. Theophanes, p. 144. Hist. Miscell., xv. p. 103. The fact is authentic, but the date seems too recent. In speaking of their Persian alliance, the Lazi contemporaries of Justinian employ the most obsolete words, ἐν γράμμασι μνημεῖα, πρόγονοι, &c. Could they belong to a connexion which had not been dissolved above twenty years?

[93] The sole vestige of Petra subsists in the writings of Procopius and Agathias. Most of the towns and castles of Lazica may be found by comparing their names and position with the map of Mingrelia, in Lamberti. [Brosset, *op. cit.*, p. 103, places Petra on l. bank of the Choruk (Boas), which flows into Black Sea south of Batum. He shows that the Greek writers had vague ideas of the geography and confused two rivers, the Choruk and Rion, under the name Phasis.]

[94] See the amusing letters of Pietro della Valle, the Roman traveller (Viaggi,

hope of launching a Persian navy from the Phasis, of command ing the trade and navigation of the Euxine sea, of desolatin the coast of Pontus and Bithynia, of distressing, perhaps o attacking, Constantinople, and of persuading the Barbarians o Europe to second his arms and counsels against the commo enemy of mankind. Under the pretence of a Scythian wa he silently led his troops to the frontiers of Iberia; the Col chian guides were prepared to conduct them through the wood and along the precipices of mount Caucasus; and a narrow pat was laboriously formed into a safe and spacious highway, fo the march of cavalry, and even of elephants. Gubazes laid hi person and diadem at the feet of the king of Persia; his Col chians imitated the submission of their prince; and, after th walls of Petra had been shaken, the Roman garrison prevented by a capitulation, the impending fury of the last assault. Bu the Lazi soon discovered that their impatience had urged then to choose an evil more intolerable than the calamities whic they strove to escape. The monopoly of salt and corn wa effectually removed by the loss of those valuable commodities The authority of a Roman legislator was succeeded by the prid of an Oriental despot, who beheld, with equal disdain, th slaves whom he had exalted and the kings whom he ha humbled before the footstool of his throne. The adoration o fire was introduced into Colchos by the zeal of the Magi; thei intolerant spirit provoked the fervour of a Christian people and the prejudice of nature or education was wounded by th impious practice of exposing the dead bodies of their parents on the summit of a lofty tower, to the crows and vultures o the air.[95] Conscious of the increasing hatred, which retarde the execution of his great designs, the just Nushirvan ha secretly given orders to assassinate the king of the Lazi, t transplant the people into some distant land, and to fix a faithfu and warlike colony on the banks of the Phasis. The watchfu jealousy of the Colchians foresaw and averted the approachin

tom. ii. 207, 209, 213, 215, 266, 286, 300; tom. iii. p. 54, 127). In the years 161 1619, and 1620, he conversed with Shah Abbas, and strongly encouraged a desig which might have united Persia and Europe against their common enemy th Turk.

[95] See Herodotus (l. i. c. 140, p. 69), who speaks with diffidence, Larcher (ton i. p. 399-401. Notes sur Herodote), Procopius (Persic. l. i. c. 11), and Agathia (l. ii. p. 61, 62). This practice, agreeable to the Zendavesta (Hyde, de Relig. Per c. 34, p. 414-421), demonstrates that the burial of the Persian kings (Xenopho Cyropæd. l. viii. p. 658 [c. 7]), τί γὰρ τούτου μακαριώτερον τοῦ τῇ γῇ μιχθῆναι; is Greek fiction, and that their tombs could be no more than cenotaphs.

ruin. Their repentance was accepted at Constantinople by the prudence, rather than the clemency, of Justinian; and he commanded Dagisteus, with seven thousand Romans, and one thousand of the Zani, to expel the Persians from the coast of the Euxine.

Siege of Petra. A.D. 549-551

The siege of Petra, which the Roman general, with the aid of the Lazi, immediately undertook, is one of the most remarkable actions of the age. The city was seated on a craggy rock, which hung over the sea, and communicated by a steep and narrow path with the land. Since the approach was difficult, the attack might be deemed impossible; the Persian conqueror had strengthened the fortifications of Justinian; and the places least inaccessible were covered by additional bulwarks. In this important fortress, the vigilance of Chosroes had deposited a magazine of offensive and defensive arms, sufficient for five times the number, not only of the garrison, but of the besiegers themselves. The stock of flour and salt provisions was adequate to the consumption of five years; the want of wine was supplied by vinegar, and [of] grain from whence a strong liquor was extracted; and a triple aqueduct eluded the diligence, and even the suspicions, of the enemy. But the firmest defence of Petra was placed in the valour of fifteen hundred Persians, who resisted the assaults of the Romans, whilst, in a softer vein of earth, a mine was secretly perforated. The wall, supported by slender and temporary props, hung tottering in the air; but Dagisteus delayed the attack till he had secured a specific recompense; and the town was relieved before the return of his messenger from Constantinople. The Persian garrison was reduced to four hundred men, of whom no more than fifty were exempt from sickness or wounds; yet such had been their inflexible perseverance, that they concealed their losses from the enemy, by enduring, without a murmur, the sight and putrefying stench of the dead bodies of their eleven hundred companions. After their deliverance, the breaches were hastily stopped with sand-bags; the mine was replenished with earth; a new wall was erected on a frame of substantial timber; and a fresh garrison of three thousand men was stationed at Petra to sustain the labours of a second siege. The operations, both of the attack and defence, were conducted with skilful obstinacy; and each party derived useful lessons from the experience of their past faults. A battering ram was invented, of light construction and powerful effect; it was transported and worked by the hands of forty soldiers; and, as the stones were loosened

by its repeated strokes, they were torn with long iron hooks from the wall. From those walls, a shower of darts was incessantly poured on the heads of the assailants, but they were most dangerously annoyed by a fiery composition of sulphur and bitumen, which in Colchos might with some propriety be named the oil of Medea. Of six thousand Romans who mounted the scaling-ladders, their general, Bessas, was the first, a gallant veteran of seventy years of age; the courage of their leader, his fall, and extreme danger, animated the irresistible effort of his troops; and their prevailing numbers oppressed the strength, without subduing the spirit, of the Persian garrison. The fate of these valiant men deserves to be more distinctly noticed. Seven hundred had perished in the siege, two thousand three hundred survived to defend the breach. One thousand and seventy were destroyed with fire and sword in the last assault: and, if seven hundred and thirty were made prisoners, only eighteen among them were found without the marks of honourable wounds. The remaining five hundred escaped into the citadel, which they maintained without any hopes of relief, rejecting the fairest terms of capitulation and service, till they were lost in the flames. They died in obedience to the commands of their prince; and such examples of loyalty and valour might excite their countrymen to deeds of equal despair and more prosperous event. The instant demolition of the works of Petra confessed the astonishment and apprehension of the conqueror.

The Colchian or Lazic war. A.D. 549-556

A Spartan would have praised and pitied the virtue of these heroic slaves; but the tedious warfare and alternate success of the Roman and Persian arms cannot detain the attention of posterity at the foot of mount Caucasus. The advantages obtained by the troops of Justinian were more frequent and splendid; but the forces of the great king were continually supplied, till they amounted to eight elephants and seventy thousand men, including twelve thousand Scythian allies, and above three thousand Dilemites, who descended by their free choice from the hills of Hyrcania, and were equally formidable in close or in distant combat. The siege of Archæopolis, a name imposed or corrupted by the Greeks, was raised with some loss and precipitation; but the Persians occupied the passes of Iberia; Colchos was enslaved by their forts and garrisons; they devoured the scanty sustenance of the people, and the prince of the Lazi fled into the mountains. In the Roman camp, faith and discipline were unknown; and the

ndependent leaders, who were invested with equal power, disputed with each other the pre-eminence of vice and corruption. The Persians followed, without a murmur, the commands of a single chief, who implicitly obeyed the instructions of their supreme lord. Their general was distinguished among the heroes of the East by his wisdom in council and his valour in the field. The advanced age of Mermeroes, and the lameness of both his feet, could not diminish the activity of his mind or even of his body; and, whilst he was carried in a litter in the front of battle, he inspired terror to the enemy, and a just confidence to the troops, who under his banners were always successful. After his death, the command devolved to Nacoragan, a proud satrap, who, in a conference with the Imperial chiefs, had presumed to declare that he disposed of victory as absolutely as of the ring on his finger. Such presumption was the natural cause and forerunner of a shameful defeat. The Romans had been gradually repulsed to the edge of the sea-shore; and their last camp, on the ruins of the Grecian colony of Phasis, was defended [Old Pot!] on all sides by strong intrenchments, the river, the Euxine, and a fleet of galleys. Despair united their counsels and invigorated their arms; they withstood the assault of the Persians; and the flight of Nacoragan preceded or followed the slaughter of ten thousand of his bravest soldiers. He escaped from the Romans to fall into the hands of an unforgiving master, who severely chastised the error of his own choice; the unfortunate general was flayed alive, and his skin, stuffed into the human form, was exposed on a mountain: a dreadful warning to those who might hereafter be entrusted with the fame and fortune of Persia.[96] Yet the prudence of Chosroes insensibly relinquished the prosecution of the Colchian war, in the just persuasion that it is impossible to reduce or, at least, to hold a distant country against the wishes and efforts of its inhabitants. The fidelity of Gubazes sustained the most rigorous trials. He patiently endured the hardships of a savage life, and rejected, with disdain, the specious temptations of the Persian court. The king of the Lazi had been educated in the Christian religion; his mother was the daughter of a senator; during his youth, he had served ten years a silentiary of the Byzantine palace,[97] and

[96] The punishment of flaying alive could not be introduced into Persia by Sapor Brisson, de Regn. Pers. l. ii. p. 578), nor could it be copied from the foolish tale of Marsyas the Phrygian piper, most foolishly quoted as a precedent by Agathias l. iv. p. 132, 133).

[97] In the palace of Constantinople there were thirty silentiaries, who are styled nastati ante fores cubiculi, τῆς σιγῆς ἐπιστάται, an honourable title, which conferred

the arrears of an unpaid salary were a motive of attachment as well as of complaint. But the long continuance of his sufferings extorted from him a naked representation of the truth; and truth was an unpardonable libel on the lieutenants of Justinian, who, amidst the delays of a ruinous war, had spared his enemies and trampled on his allies. Their malicious information persuaded the emperor that his faithless vassal already meditated a second defection; an order was issued to send him prisoner to Constantinople; a treacherous clause was inserted, that he might be lawfully killed in case of resistance; and Gubazes, without arms or suspicion of danger, was stabbed in the security of a friendly interview. In the first moments of rage and despair the Colchians would have sacrificed their country and religion to the gratification of revenge. But the authority and eloquence of the wiser few obtained a salutary pause; the victory of the Phasis restored the terror of the Roman arms; and the emperor was solicitous to absolve his own name from the imputation of so foul a murder. A judge of senatorial rank was commissioned to inquire into the conduct and death of the king of the Lazi. He ascended a stately tribunal, encompassed by the ministers of justice and punishment; in the presence of both nations, this extraordinary cause was pleaded according to the forms of civil jurisprudence; and some satisfaction was granted to an injured people, by the sentence and execution of the meaner criminals.[98]

Negotiations and treaties between Justinian and Chosroes. A.D. 540-561

In peace, the king of Persia continually sought the pretences of a rupture; but no sooner had he taken up arms than he expressed his desire of a safe and honourable treaty. During the fiercest hostilities, the two monarchs entertained a deceitful negotiation; and such was the superiority of Chosroes that, whilst he treated the Roman ministers with insolence and contempt, he obtained the most unprecedented honours for his own ambassadors at the Imperial court. The successor of Cyrus assumed the majesty of the Eastern sun, and graciously permitted his younger brother Justinian to reign over the West, with the pale and reflected splendour of the moon. This gigantic style was supported by the pomp and eloquence

the rank, without imposing the duties, of a senator (Cod. Theodos. l. vi. tit. 23. Gothofred. Comment. tom. ii. p. 129).

[98] On these judicial [rather, deliberative (as Milman observes)] orations Agathias (l. iii. p. 81-89; l. iv. p. 108-119) lavishes eighteen or twenty pages of false and florid rhetoric. His ignorance or carelessness overlooks the strongest argument against the king of Lazica—his former revolt.

f Isdigune, one of the royal chamberlains. His wife and aughters, with a train of eunuchs and camels, attended the narch of the ambassador; two satraps with golden diadems ere numbered among his followers; he was guarded by five undred horse, the most valiant of the Persians; and the oman governor of Dara wisely refused to admit more than wenty of this martial and hostile caravan. When Isdigune ad saluted the emperor and delivered his presents, he passed en months at Constantinople without discussing any serious ffairs. Instead of being confined to his palace and receiving ood and water from the hands of his keepers, the Persian mbassador, without spies or guards, was allowed to visit the apital; and the freedom of conversation and trade enjoyed by is domestics offended the prejudices of an age which rigorusly practised the law of nations without confidence or ourtesy.[99] By an unexampled indulgence, his interpreter, a ervant below the notice of a Roman magistrate, was seated, at he table of Justinian, by the side of his master; and one housand pounds of gold might be assigned for the expense of is journey and entertainment. Yet the repeated labours of sdigune could procure only a partial and imperfect truce, hich was always purchased with the treasures, and renewed at ne solicitation, of the Byzantine court. Many years of fruitless esolation elapsed before Justinian and Chosroes were compelled y mutual lassitude to consult the repose of their declining ge. At a conference held on the frontier, each party, without xpecting to gain credit, displayed the power, the justice, and ne pacific intentions, of their respective sovereigns; but necesty and interest dictated the treaty of peace, which was conuded for a term of fifty years, diligently composed in the reek and Persian language, and attested by the seals of welve interpreters. The liberty of commerce and religion was xed and defined; the allies of the emperor and the great king ere included in the same benefits and obligations; and the ost scrupulous precautions were provided to prevent or deterine the accidental disputes that might arise on the confines f two hostile nations. After twenty years of destructive hough feeble war, the limits still remained without alteration;

[99] Procopius represents the practice of the Gothic court of Ravenna (Goth. l. i. 7); and foreign ambassadors have been treated with the same jealousy and rour in Turkey (Busbequius, Epist. iii. p. 149, 242, &c.), Russia (Voyage Olearius), and China (Narrative of M. de Lange, in Bell's Travels, vol. ii. p. 9-311).

and Chosroes was persuaded to renounce his dangerous claim to the possession or sovereignty of Colchos and its dependent states. Rich in the accumulated treasures of the East, he extorted from the Romans an annual payment of thirty thousand pieces of gold; and the smallness of the sum revealed the disgrace of a tribute in its naked deformity. In a previous debate, the chariot of Sesostris and the wheel of fortune were applied by one of the ministers of Justinian, who observed that the reduction of Antioch and some Syrian cities had elevated beyond measure the vain and ambitious spirit of the Barbarian. "You are mistaken," replied the modest Persian: "the king of kings, the lord of mankind, looks down with contempt on such petty acquisitions; and of the ten nations, vanquished by his invincible arms, he esteems the Romans as the least formidable." [100] According to the Orientals the empire of Nushirvan extended from Ferganah in Transoxiana to Yemen or Arabia Felix. He subdued the rebels of Hyrcania, reduced the provinces of Cabul and Zablestan on the banks of the Indus, broke the power of the Euthalites, terminated by an honourable treaty the Turkish war, and admitted the daughter of the great khan into the number of his lawful wives. Victorious and respected among the princes of Asia, he gave audience, in his palace of Madain, or Ctesiphon, to the ambassadors of the world. Their gifts or tributes, arms, rich garments, gems, slaves, or aromatics, were humbly presented at the foot of his throne; and he condescended to accept from the king of India ten quintals of the wood of aloes, a maid seven cubits in height, and a carpet softer than silk, the skin, as it was reported, of an extraordinary serpent.[101]

Conquest of the Abyssinians. A.D. 522

Justinian had been reproached for his alliance with the Æthiopians, as if he attempted to introduce a people of savage negroes into the system of civilized society. But the friends of the Roman empire, the Axumites, or Abyssinians, may be always distinguished from the original natives of Africa.[102] The

[100] The negotiations and treaties between Justinian and Chosroes are copiously explained by Procopius (Persic. l. ii. c. 10, 13, 26, 27, 28. Gothic. l. ii. c. 11, 15), Agathias (l. iv. p. 141, 142), and Menander (in excerpt. Legat. p. 132-147). Consult Barbeyrac, Hist. des Anciens Traites, tom. ii. p. 154, 181-184, 193-200.

[101] D'Herbelot, Bibliot. Orient. p. 680, 681, 294, 295.

[102] See Buffon, Hist. Naturelle, tom. iii. p. 449. This Arab cast of features and complexion, which has continued 3400 years (Ludolph. Hist. et Comment. Æthiopic. l. i. c. 4) in the colony of Abyssinia, will justify the suspicion that race as well as climate, must have contributed to form the negroes of the adjacent and similar regions.

and of nature has flattened the noses of the negroes, covered heir heads with shaggy wool, and tinged their skin with inerent and indelible blackness. But the olive complexion of he Abyssinians, their hair, shape, and features, distinctly mark hem as a colony of Arabs; and this descent is confirmed by he resemblance of language and manners, the report of an ncient emigration, and the narrow interval between the shores f the Red Sea. Christianity had raised that nation above the evel of African barbarism;[103] their intercourse with Egypt, and he successors of Constantine,[104] had communicated the rudiients of the arts and sciences; their vessels traded to the isle f Ceylon,[105] and seven kingdoms obeyed the Negus or supreme rince of Abyssinia. The independence of the Homerites, who eigned in the rich and happy Arabia, was first violated by an Ethiopian conqueror; he drew his hereditary claim from the ueen of Sheba,[106] and his ambition was sanctified by religious eal. The Jews, powerful and active in exile, had seduced the ind of Dunaan, prince of the Homerites.[107] They urged him o retaliate the persecution inflicted by the Imperial laws on heir unfortunate brethren: some Roman merchants were inriously treated; and several Christians of Negra[108] were

[103] The Portuguese missionaries, Alvarez (Ramusio, tom. i. fol. 204, rect. 274, rs.), Bermudes (Purchas's Pilgrims, vol. ii. l. v. c. 7, p. 1149-1188), Lobo (Reion, &c. par M. le Grand, with xv. Dissertations, Paris, 1728), and Tellez (Reions de Thévenot, part iv.), could only relate of modern Abyssinia what they d seen or invented. The erudition of Ludolphus (Hist. Æthiopica, Francofurt, 81, Commentarius, 1691, Appendix, 1694), in twenty-five languages, could add tle concerning its ancient history. Yet the fame of Caled, or Ellisthæus, the nqueror of Yemen, is celebrated in national songs and legends. [For a coin of is Chaleb, see Schlumberger, Revue Numism., 1886. The legend is ΧΑΛΗΒ ΛΣΙΛΕΥΣ ΥΙΟΣ ΘΕΖΕΝΑ. It is noteworthy that these kings used the title *sileus*.]

[104] The negotiations of Justinian with the Axumites, or Æthiopians, are rerded by Procopius (Persic. l. i. c. 19, 20) and John Malala (tom. ii. p. 163-165, 3-196 [433-4, 457-8, ed. Bonn]). The historian of Antioch quotes the original rrative of the ambassador Nonnosus, of which Photius (Bibliot. cod. iii.) has eserved a curious extract [ap. Müller, F.H.G. iv. p. 179].

[105] The trade of the Axumites to the coast of India and Africa and the isle of ylon is curiously represented by Cosmas Indicopleustes (Topograph. Christian. ii. p. 132, 138, 139, 140; l. xi. p. 338, 339). [They had most of the carrying ade between the Empire and India.]

[106] Ludolph, Hist. et Comment. Æthiop. l. ii. c. 3.

[107] [The author has mistaken the accusative Dunaan (Δουναάν) for the nomitive. Dhū Nuvās is the name. Cp. Appendix 17.]

[108] The city of Negra, or Nag'ran, in Yemen, is surrounded with palm trees, d stands in the high-road between Saana the capital and Mecca, from the mer ten, from the latter twenty, days' journey of a caravan of camels (Abulfeda, script. Arabiæ, p. 52).

honoured with the crown of martyrdom.[109] The churches o
Arabia implored the protection of the Abyssinian monarch
The Negus passed the Red Sea with a fleet and army, deprived
the Jewish proselyte of his kingdom and life, and extinguished
a race of princes, who had ruled above two thousand years th
sequestered region of myrrh and frankincense. The conquero
immediately announced the victory of the gospel, requested a
orthodox patriarch, and so warmly professed his friendship t
the Roman empire that Justinian was flattered by the hope o
diverting the silk trade through the channel of Abyssinia, and
Their alliance with Justinian. A.D. 533 [529]
of exciting the forces of Arabia against the Persian king. Non
nosus, descended from a family of ambassadors, was named b
the emperor to execute this important commission. He wisel
declined the shorter, but more dangerous, road through th
sandy deserts of Nubia; ascended the Nile, embarked on th
Red Sea, and safely landed at the African port of Adulis. Fro
Adulis to the royal city of Axume is no more than fifty league
in a direct line; but the winding passes of the mountains de
tained the ambassador fifteen days; and, as he traversed th
forests, he saw, and vaguely computed, about five thousan
wild elephants. The capital, according to his report, was larg
and populous; and the *village* of Axume is still conspicuou
by the regal coronations, by the ruins of a Christian temple
and by sixteen or seventeen obelisks inscribed with Grecia
characters.[110] But the Negus gave audience in the open field
seated on a lofty chariot, which was drawn by four elephant
superbly caparisoned, and surrounded by his nobles and mu
sicians. He was clad in a linen garment and cap, holding i
his hand two javelins and a light shield; and, although his naked
ness was imperfectly covered, he displayed the Barbaric pom
of gold chains, collars, and bracelets, richly adorned with pearl
and precious stones. The ambassador of Justinian knelt; th
Negus raised him from the ground, embraced Nonnosus, kisse
the seal, perused the letter, accepted the Roman alliance, and

[109] The martyrdom of St. Arethas prince of Negra, and his three hundred an
forty companions, is embellished in the legends of Metaphrastes and Nicephor
Callistus, copied by Baronius (A.D. 522, No. 22-66; A.D. 523, No. 16-29), an
refuted, with obscure diligence, by Basnage (Hist. des Juifs, tom. xii. l. viii. c. i
p. 333-348), who investigates the state of the Jews in Arabia and Æthiopia. [C
Acta Sanct., Oct. x. p. 721, *sqq.*; Theophanes, Chron., *sub* A.M. 6015.]

[110] Alvarez (in Ramusio, tom. i. fol. 219 vers. 221 vers.) saw the flourishin
state of Axume in the year 1520—luogo molto buono e grande. It was ruine
in the same century by the Turkish invasion. No more than one hundred hous
remain; but the memory of its past greatness is preserved by the regal coron
tion (Ludolph, Hist. et Comment. l. ii. c. 11).

andishing his weapons, denounced implacable war against the
orshippers of fire. But the proposal of the silk trade was
uded; and notwithstanding the assurances, and perhaps the
shes, of the Abyssinians, these hostile menaces evaporated
thout effect. The Homerites were unwilling to abandon
eir aromatic groves, to explore a sandy desert, and to en-
unter, after all their fatigues, a formidable nation from whom
ey had never received any personal injuries. Instead of
larging his conquests, the king of Æthiopia was incapable of
fending his possessions. Abrahah, the slave of a Roman
erchant of Adulis, assumed the sceptre of the Homerites;
e troops of Africa were seduced by the luxury of the climate;
d Justinian solicited the friendship of the usurper, who
noured, with a slight tribute, the supremacy of his prince.
ter a long series of prosperity, the power of Abrahah was
erthrown before the gates of Mecca; his children were de-
oiled by the Persian conqueror; and the Æthiopians were [c. A.D. 562-572]
ally expelled from the continent of Asia. This narrative of
scure and remote events is not foreign to the decline and
l of the Roman empire. If a Christian power had been
intained in Arabia, Mahomet must have been crushed in his
idle, and Abyssinia would have prevented a revolution which
s changed the civil and religious state of the world.[111]

[111] The revolutions of Yemen in the sixth century must be collected from
ocopius (Persic. l. i. c. 19, 20), Theophanes Byzant. (apud Phot. cod. lxiii. p.
St. Theophanes (in Chronograph. p. 144, 145, 188, 189, 206, 207, who is full
strange blunders [A.M. 6015, 6035, 6064]), Pocock (Specimen Hist. Arab.
62, 65), d'Herbelot (Bibliot. Orientale, p. 12, 477), and Sale's Preliminary
course and Koran (c. 105). The revolt of Abrahah is mentioned by Procopius;
his fall, though clouded with miracles, is an historical fact. [See further
pendix 17.]

CHAPTER XLIII

Rebellions of Africa—Restoration of the Gothic Kingdom by Toti —Loss and Recovery of Rome—Final Conquest of Italy b Narses—Extinction of the Ostrogoths—Defeat of the Fran and Alemanni—Last Victory, Disgrace, and Death of Belisari —Death and Character of Justinian—Comet, Earthquakes, an Plague

THE review of the nations from the Danube to the Nile ha exposed on every side the weakness of the Romans; and ou wonder is reasonably excited that they should presume t enlarge an empire whose ancient limits they were incapabl of defending. But the wars, the conquests, and the triumph of Justinian are the feeble and pernicious efforts of old ag which exhaust the remains of strength, and accelerate th decay of the powers of life. He exulted in the glorious a of restoring Africa and Italy to the republic; but the calamitie which followed the departure of Belisarius betrayed the in potence of the conqueror and accomplished the ruin of thos unfortunate countries.

The troubles of Africa. A.D. 533-545

From his new acquisitions, Justinian expected that h avarice as well as pride should be richly gratified. A rapaciou minister of the finances closely pursued the footsteps of Bel sarius; and, as the old registers of tribute had been burnt b the Vandals, he indulged his fancy in a liberal calculatio and arbitrary assessment of the wealth of Africa.[1] The increas of taxes which were drawn away by a distant sovereign, and general resumption of the patrimony or crown lands, soon di

[1] For the troubles of Africa, I neither have nor desire another guide th Procopius, whose eye contemplated the image, and whose ear collected the r ports, of the memorable events of his own times. In the second book of t Vandalic war he relates the revolt of Stoza (c. 14-24), the return of Belisarius (15), the victory of Germanus (c. 16, 17, 18), the second administration of Solom (c. 19, 20, 21), the government of Sergius (c. 22, 23), of Areobindus (c. 24), t tyranny and death of Gontharis (c. 25, 26, 27, 28); nor can I discern a symptoms of flattery or malevolence in his various portraits. [But we have nc the *Johannis* of Corippus; see Appendix 1 and 18.]

elled the intoxication of the public joy; but the emperor was sensible to the modest complaints of the people, till he was vakened and alarmed by the clamours of military discontent. any of the Roman soldiers had married the widows and aughters of the Vandals. As their own, by the double right conquest and inheritance, they claimed the estates which enseric had assigned to his victorious troops. They heard ith disdain the cold and selfish representation of their officers, iat the liberality of Justinian had raised them from a savage servile condition; that they were already enriched by the oils of Africa, the treasure, the slaves, and the moveables, of ie vanquished Barbarians; and that the ancient and lawful atrimony of the emperors would be applied only to the support that government on which their own safety and reward ust ultimately depend. The mutiny was secretly inflamed by thousand soldiers, for the most part Heruli, who had imbibed ie doctrines, and were instigated by the clergy, of the Arian ct; and the cause of perjury and rebellion was sanctified by ie dispensing powers of fanaticism. The Arians deplored ie ruin of their church, triumphant above a century in Africa; id they were justly provoked by the laws of the conqueror, hich interdicted the baptism of their children and the exercise all religious worship. Of the Vandals chosen by Belisarius, ie far greater part, in the honours of the Eastern service, rgot their country and religion. But a generous band of ur hundred obliged the mariners, when they were in sight the isle of Lesbos, to alter their course: they touched on eloponnesus, ran ashore on a desert coast of Africa, and boldly ected on mount Aurasius the standard of independence and volt. While the troops of the province disclaimed the com- and of their superiors, a conspiracy was formed at Carthage ainst the life of Solomon, who filled with honour the place Belisarius; and the Arians had piously resolved to sacrifice ie tyrant at the foot of the altar, during the awful mysteries the festival of Easter. Fear or remorse restrained the [March 21, A.D. 536] iggers of the assassins, but the patience of Solomon em- oldened their discontent; and at the end of ten days a furious dition was kindled in the Circus, which desolated Africa out ten years. The pillage of the city and the indiscriminate aughter of its inhabitants were suspended only by darkness, eep, and intoxication; the governor, with seven companions, nong whom was the historian Procopius, escaped to Sicily; vo thirds of the army were involved in the guilt of treason; and

eight thousand insurgents, assembling in the field of Bull elected Stoza[2] for their chief, a private soldier, who possesse in a superior degree the virtues of a rebel. Under the mask freedom, his eloquence could lead, or at least impel, the passio of his equals. He raised himself to a level with Belisarius ar the nephew of the emperor, by daring to encounter them in t field; and the victorious generals were compelled to acknov ledge that Stoza deserved a purer cause and a more legitima command. Vanquished in battle[3] he dexterously employed t arts of negotiation; a Roman army was seduced from the allegiance, and the chiefs who had trusted to his faithle promise were murdered by his order in a church of Numidi When every resource either of force or perfidy was exhauste Stoza, with some desperate Vandals, retired to the wilds Mauritania, obtained the daughter of a Barbarian prince, ar eluded the pursuit of his enemies by the report of his deat The personal weight of Belisarius, the rank, the spirit, and t
[A.D 537-539] temper, of Germanus, the emperor's nephew, and the vigo
[A.D. 539-543] and success of the second administration of the eunuch Solomo restored the modesty of the camp, and maintained for a whi the tranquillity of Africa. But the vices of the Byzantine cou were felt in that distant province; the troops complained th they were neither paid nor relieved, and, as soon as the publ disorders were sufficiently mature, Stoza was again aliv in arms, and at the gates of Carthage. He fell in a sing
[Battle of Thacea. A.D. 545] combat, but he smiled in the agonies of death, when he w informed that his own javelin had reached the heart of h antagonist.[4] The example of Stoza, and the assurance that

[2] [The name appears as Stutias in Corippus, Stuza in Victor Tonn.]

[3] [Stutias was defeated first by Belisarius, A.D. 536, at Membressa (Medjez Bab), on the Bagradas, 50 miles from Carthage, cp. Procop. Vand. 2, 14, w Corippus, Joh. 3, 311:—

hunc Membressa suis vidit concurrere campis, &c.

Then by Germanus, A.D. 537, at Cellas Vatari (Καλλασβάταρας Procop.; cp. village *Vatari* in Tab. Peuting. iii. F. The idea that this name represents a La form *Scalae Veteres* must be wrong). There was a third battle in which Germa was again victor at Autenti in Byzacium. See Corippus, *ib.* 316:—

similique viros virtute necabas
Germano spargente ferum victumque tyrannum.
te Cellas Vatari miro spectabat amore,
te Autenti saevos mactantem viderat hostes.]

[4] [The battle in which Stutias fell took place in A.D. 545, towards the end of year, while Areobindus was Mag. Mil. The Romans were led by John son of Sis niolus. The battle consisted of two engagements, in the first of which Romans had the worst of it, and in the second were distinctly defeated. Stut was killed by an arrow from the hand of the Roman general, but John him

ortunate soldier had been the first king, encouraged the ambition of Gontharis, and he promised, by a private treaty, to divide Africa with the Moors, if, with their dangerous aid, he should ascend the throne of Carthage. The feeble Areobindus, unskilled in the affairs of peace and war, was raised, by his marriage with the niece of Justinian, to the office of Exarch.[5] He was suddenly oppressed by a sedition of the guards, and [A.D. 546] his abject supplications, which provoked the contempt, could not move the pity, of the inexorable tyrant. After a reign of thirty days, Gontharis himself was stabbed at a banquet by the [A.D. 546] hand of Artaban; and it is singular enough that an Armenian prince, of the royal family of Arsaces, should re-establish at Carthage the authority of the Roman empire.[6] In the conspiracy which unsheathed the dagger of Brutus against the life of Cæsar, every circumstance is curious and important to the eyes of posterity; but the guilt or merit of these loyal or rebellious assassins could interest only the contemporaries of Procopius, who, by their hopes and fears, their friendship or resentment, were personally engaged in the revolutions of Africa.[7]

as also slain. See Corippus, Joh. 4, 103, *sqq.* and Partsch, Procœmium, p. xxii. he scene of the battles was Thacea (near the modern village of Bordjmassudi), bout 26 Roman miles from Sicca Veneria (el Kef). See Victor Tonn. ap. Mommn, Chron. Min. ii. p. 201.]

[5] [Magister militum. The title *exarch* is not used yet (cp. App. 19). The order which Gibbon relates the events in Africa renders the succession of governors a tle confusing. Solomon (A.D. 534-6) was succeeded by Germanus (A.D. 537-9), hom he again succeeded (A.D. 539-544; for date of his death see below, n. 9). olomon's nephew Sergius (who had previously been governor of the Tripolitane ovince) took his place (A.D. 544), but Areobindus was sent out (utinam non ille enates Poenorum vidisset iners!—cries Corippus, 4, 85) and divided the command th him (A.D. 545); Sergius defending Numidia, and Areobindus Byzacena. On e defeat of Thacea, for which he was blamed, Sergius was recalled, and Areobindus mained sole governor (A.D. 546, January ?). Artaban succeeded him, but was perseded by John, the hero of the poem of Coripous, before the end of the same ar. See Partsch, Procœmium to Coripous, p. xxiv.]

[6] [Procopius gives the whole praise to Artaban, and probably with justice. But rippus, Joh. 4, 232, *sqq.*, represents him as merely the tool of Athanasius, an old an who had been appointed to the Præt. Prefecture of Africa:—

Nam pater ille bonus summis Athanasius Afros
consiliis media rapuit de caede maligni.
hic potuit Libyam Romanis reddere fastis
solus et infestum leto damnare tyrannum.
Armenius tanti fuerat tunc ille minister
consilii.

he success of Artaban in crushing Guntarith further depended on the temporary odwill of the great chief of the Moors of Byzacium—Antala. See Corippus, *ib.* 8.]

[7] Yet I must not refuse him the merit of painting, in lively colours, the murder Gontharis. One of the assassins uttered a sentiment not unworthy of a Roman triot: "If I fail," said Artasires, "in the first stroke, kill me on the spot lest the ck should extort a discovery of my accomplices".

Rebellion of the Moors, A.D. 543 [544]-545

That country was rapidly sinking into the state of barbarism, from whence it had been raised by the Phœnician colonies and Roman laws; and every step of intestine discord was marked by some deplorable victory of savage man over civilized society. The Moors,[8] though ignorant of justice, were impatient of oppression; their vagrant life and boundless wilderness disappointed the arms, and eluded the chains, of a conqueror; and experience had shewn that neither oaths nor obligations could secure the fidelity of their attachment. The victory of mount Auras had awed them into momentary submission; but, if they respected the character of Solomon, they hated and despised the pride and luxury of his two nephews, Cyrus and Sergius, on whom their uncle had imprudently bestowed the provincial governments of Tripoli and Pentapolis. A Moorish tribe encamped under the walls of Leptis, to renew their alliance and receive from the governor the customary gifts. Fourscore of their deputies were introduced as friends into the city; but, on the dark suspicion of a conspiracy, they were massacred at the table of Sergius; and the clamour of arms and revenge was re-echoed through the valleys of mount Atlas, from both the Syrtes to the Atlantic ocean. A personal injury, the unjust execution or murder of his brother, rendered Antalas the enemy of the Romans.[9] The defeat of the Vandals had formerly signalized his valour; the rudiments of justice and prudence were still more conspicuous in a Moor; and, while he laid Adrumetum in ashes, he calmly admonished the emperor that the peace of Africa might be secured by the recall of Solomon and his unworthy nephews. The exarch led forth his troops from Carthage; but, at the distance of six days' journey, in the neighbourhood of Tebeste,[10] he was astonished by the superior

[8] The Moorish wars are occasionally introduced into the narrative of Procopius (Vandal. l. ii. c. 19-23, 25, 27, 28; Gothic. l. iv. c. 17); and Theophanes adds some prosperous and adverse events in the last years of Justinian.

[9] [After the defeat of A.D. 534, Antala remained quiet for ten years (plenosque decem perfecerat annos, Corippus, Joh., 2, 35). He took up arms again in A.D. 544 (not 543, as Victor Tonn. states). This has been proved by Partsch, Procem. p. xvi. xvii. The plague was raging in the Roman provinces of Africa in 543, and the Moors were not likely to attack them then (see below, p. 437). The Moorish tribe whose deputies were murdered were the Laguantan (this is one of the numerous forms of the name used by Corippus) = Λευᾶθαι of Procopius.]

[10] Now Tibesh, in the kingdom of Algiers. It is watered by a river, the Sujerass, which falls into the Mejerda (*Bagradas*). Tibesh is still remarkable for its walls of large stones (like the Coliseum of Rome), a fountain, and a grove of walnut-trees: the country is fruitful, and the neighbouring Bereberes are warlike. It appears from an inscription that, under the reign of Hadrian, the road from Carthage to Tebeste was constructed by the third legion (Marmol, Description de l'Afrique,

umbers and fierce aspect of the barbarians. He proposed a reaty, solicited a reconciliation, and offered to bind himself by he most solemn oaths. "By what oaths can he bind himself?" nterrupted the indignant Moors. "Will he swear by the gospels, he divine books of the Christians? It was on those books that he faith of his nephew Sergius was pledged to eighty of our inno- ent and unfortunate brethren. Before we trust them a second ime, let us try their efficacy in the chastisement of perjury and the indication of their own honour." Their honour was vindicated n the field of Tebeste,[11] by the death of Solomon and the otal loss of his army. The arrival of fresh troops and more [A.D. 544] kilful commanders, soon checked the insolence of the Moors; eventeen of their princes were slain in the same battle; and he doubtful and transient submission of their tribes was cele- rated with lavish applause by the people of Constantinople. Successive inroads had reduced the province of Africa to one hird of the measure of Italy; yet the Roman emperors con- inued to reign above a century over Carthage and the fruitful oast of the Mediterranean. But the victories and the losses of Justinian were alike pernicious to mankind; and such was the lesolation of Africa that in many parts a stranger might wander vhole days without meeting the face either of a friend or an nemy. The nation of the Vandals had disappeared; they once mounted to an hundred and sixty thousand warriors, without ncluding the children, the women, or the slaves. Their numbers vere infinitely surpassed by the number of the Moorish families xtirpated in a relentless war; and the same destruction was

om. ii. p. 442, 443. Shaw's Travels, p. 64, 65, 66). [The road was constructed n A.D. 123. See C. I. L., 8, p. 865 and inscr. No. 10,048, *sqq*. Theveste (the ame suggested Thebes, and hence the town was known as Hecatompylos; cf. Diodorus 4, 18) was rebuilt by Justinian after the Moorish victories of Solomon, as he following inscription records (C. I. L., 8, 1863):—

Nutu divino feliciss. temporib. piissimor. dominor. nostror. Iustiniani et Theo- oræ Augg. post abscisos ex Africa Vandalos extinctamque per Solomonem lorioisss. et excell. magistro militum ex consul. præfect. Libyæ ac patricio niversam Maurusiam gentem provi (dentia ejus) dem æminentissimi viri Theveste ivitas) a (f)undament. ædificata est.]

[11] [The battle was fought near Cillium, or Colonia Cillitana (now Kasrin), s.e. f Theveste, and a little north of Thelepte. See Victor Tonn. in the improved text f Mommsen (Chron. Min. 2, p. 201): Stuzas tyrannus gentium multitudine lunata Solomoni magistro militiæ ac patricio Africa ceterisque Romanæ militiæ ucibus Cillio occurrit. ubi congressione facta peccantis Africæ Romanæ reipublicæ ilitia superatur, Solomon utriusque potestatis vir strenuus prœlio moritur. (For illium cp. C. I. L., 8. 210.) Solomon was assisted not only by his two nephews ut by Cūsina, chief of a Moorish tribe which, driven out of Byzacium by Solomon 535 (Procop. B. V. 2, 10), was now established in the neighbourhood of Lambae- s. Cp. Corippus, Joh., 3405 *sqq*. For a full account see Partsch, Procem. p. viii.-xx.]

retaliated on the Romans and their allies, who perished by th climate, their mutual quarrels, and the rage of the Barbarians When Procopius first landed, he admired the populousness o the cities and country, strenuously exercised in the labours o commerce and agriculture. In less than twenty years, tha busy scene was converted into a silent solitude; the wealth citizens escaped to Sicily and Constantinople; and the secre historian has confidently affirmed that five millions of African were consumed by the wars and government of the empero Justinian.[12]

Revolt of the Goths. A.D. 540

The jealousy of the Byzantine court had not permitte Belisarius to achieve the conquest of Italy; and his abrup departure revived the courage of the Goths,[13] who respecte his genius, his virtue, and even the laudable motive which ha urged the servant of Justinian to deceive and reject them They had lost their king (an inconsiderable loss), their capital their treasures, the provinces from Sicily to the Alps, and th military force of two hundred thousand Barbarians, magnifi cently equipped with horses and arms. Yet all was not lost as long as Pavia was defended by one thousand Goths, inspire by a sense of honour, the love of freedom, and the memory o their past greatness. The supreme command was unanimously offered to the brave Uraias; and it was in his eyes alone tha the disgrace of his uncle Vitiges could appear as a reason o

[Hildibad]

exclusion. His voice inclined the election in favour of Hildi bald, whose personal merit was recommended by the vain hop that his kinsman Theudes, the Spanish monarch, would suppor the common interest of the Gothic nation. The success of hi arms in Liguria and Venetia seemed to justify their choice but he soon declared to the world that he was incapable o forgiving or commanding his benefactor. The consort of Hildi bald was deeply wounded by the beauty, the riches, and th pride of the wife of Uraias; and the death of that virtuou patriot excited the indignation of a free people. A bol assassin executed their sentence, by striking off the head o

[12] Procopius, Anecdot. c. 18. The series of the African history attests th melancholy truth.

[13] In the second (c. 30) and third books (c. 1-40), Procopius continues the histor of the Gothic war from the fifth to the fifteenth year of Justinian [*leg.* year of th war]. As the events are less interesting than in the former period, he allots onl half the space to double the time. Jornandes, and the Chronicle of Marcellinus afford some collateral hints. Sigonius, Pagi, Muratori, Mascou, and De Buat a useful, and have been used. [The space allotted by Procopius to the various even depends on his presence at, or absence from, the scene of war. Cp. Haury, Pr copiana, i. p. 8.]

Hildibald in the midst of a banquet; the Rugians, a foreign tribe, assumed the privilege of election; and Totila,[14] the nephew of the late king, was tempted, by revenge, to deliver himself and the garrison of Treviso into the hands of the Romans. But the gallant and accomplished youth was easily persuaded to prefer the Gothic throne before the service of Justinian; and, as soon as the palace of Pavia had been purified from the Rugian usurper, he reviewed the national force of five thousand soldiers, and generously undertook the restoration of the kingdom of Italy. [A.D. 541 c. May]

The successors of Belisarius, eleven generals of equal rank,[15] neglected to crush the feeble and disunited Goths, till they were roused to action by the progress of Totila and the reproaches of Justinian. The gates of Verona were secretly opened to Artabazus, at the head of one hundred Persians in the service of the empire.[16] The Goths fled from the city. At the distance of sixty furlongs the Roman generals halted to regulate the division of the spoil. While they disputed, the enemy discovered the real number of the victors; the Persians were instantly overpowered, and it was by leaping from the wall that Artabazus preserved a life which he lost in a few days by the lance of a barbarian, who had defied him to single combat. Twenty thousand Romans encountered the forces of Totila, near Faenza, and on the hills of Mugello of the Florentine territory. The ardour of freedmen who fought to regain their country was opposed to the languid temper of mercenary troops, who were even destitute of the merits of strong and well-disciplined servitude. On the first attack they abandoned their ensigns, threw down their arms, and dispersed on all sides with an active speed, which abated the loss, whilst it aggravated the shame, of their defeat.[17] The king of the Goths, who

Victories of Totila king of Italy. A.D. 541-544 [A.D. 542]

[Artabazes]

[Faventia]

[14] [His proper name was Baduila, which appears invariably on coins and is mentioned by Jordanes. He was probably elected towards end of A.D. 541; Eraric the Rugian reigned, after Ildibad's death during the summer of that year.]

[15] [Hardly of equal rank; for Procopius says that Constantian and Alexander were "first among them" (B. G. iii. 3). Others were Vitalius, Bessas, and John son of Vitalian.]

[16] [Not 100 Persians, but 100 men selected from the whole army. Procop. *ib.* On ordinary occasions Artabazes commanded a Persian band.]

[17] [The events are so compressed in the text that they are hardly intelligible. The Roman army, numbering (not 20,000 as the author states, but) 12,000 (δισχιλίους τε καὶ μυρίους), advanced within five miles of Verona, and on the failure of the attempt of Artabazes retreated beyond the Po to Faventia, which is about twenty miles south-west of Ravenna. Totila then, taking the offensive, follows them from Venetia, crosses the Po, and the battle of Faenza is fought, in which the Imperial-

blushed for the baseness of his enemies, pursued with rapid steps the path of honour and victory. Totila passed the Po, traversed the Apennine, suspended the important conquest of Ravenna, Florence, and Rome, and marched through the heart [A.D. 542] of Italy to form the siege, or rather blockade, of Naples. The Roman chiefs, imprisoned in their respective cities and accusing each other of the common disgrace, did not presume to disturb his enterprise. But the emperor, alarmed by the distress and danger of his Italian conquests, dispatched to the relief of Naples a fleet of galleys and a body of Thracian and Armenian soldiers. They landed in Sicily, which yielded its copious stores of provisions; but the delays of the new commander, an unwarlike magistrate, protracted the sufferings of the besieged; and the succours, which he dropt with a timid and tardy hand, were successively intercepted by the armed vessels stationed by Totila in the bay of Naples. The principal officer of the Romans was dragged with a rope round his neck to the foot of the wall, from whence, with a trembling voice, he exhorted the citizens to implore, like himself, the mercy of the conqueror. They requested a truce, with a promise of surrendering the city if no effectual relief should appear at the end of [A.D. 543] thirty days. Instead of *one* month, the audacious Barbarian granted them *three*, in the just confidence that famine would anticipate the term of their capitulation. After the reduction of Naples and Cumæ, the provinces of Lucania, Apulia, and Calabria submitted to the king of the Goths. Totila led his army to the gates of Rome, pitched his camp at Tibur, or Tivoli, within twenty miles of the capital, and calmly exhorted the senate and people to compare the tyranny of the Greeks with the blessings of the Gothic reign.

Contrast of vice and virtue

The rapid success of Totila may be partly ascribed to the revolution which three years' experience had produced in the sentiments of the Italians. At the command, or at least in the name, of a catholic emperor, the pope,[18] their spiritual father,

ists are routed and Artabazes slain in single combat with Viliaris. The Romans, having suffered a severe loss, retreat to Ravenna, and Totila advances into Tuscany, besieges Florence (which is held by Justin), and defeats, in the valley of Mugello (a day's journey from Florence), the army of relief which has come from Ravenna under John and Bessas. The Battle of Mugello gave central and southern Italy to the Goths. It was fought towards end of 542. Procopius, B. G. iii. 3-5.]

[18] Sylverius, bishop of Rome, was first transported to Patara, in Lycia, and at length starved (sub eorum custodiâ inediâ confectus) in the isle of Palmaria, A.D. 538, June 20 [probably May 21; cp. Clinton, F. R., ad ann.] (Liberat. in Breviar. c. 22. Anastasius, in Sylverio. Baronius, A.D. 540, No. 2, 3. Pagi, in Vit. Pont.

had been torn from the Roman church, and either starved or murdered on a desolate island.[19] The virtues of Belisarius were replaced by the various or uniform vices of eleven chiefs, at Rome, Ravenna, Florence, Perugia, Spoleto, &c., who abused their authority for the indulgence of lust or avarice. The improvement of the revenue was committed to Alexander, a subtle scribe, long practised in the fraud and oppression of the Byzantine schools; and whose name of *Psalliction*, the *scissors*,[20] was drawn from the dexterous artifice with which he reduced the size, without defacing the figure, of the gold coin. Instead of expecting the restoration of peace and industry, he imposed an heavy assessment on the fortunes of the Italians. Yet his present or future demands were less odious than a prosecution of arbitrary rigour against the persons and property of all those who, under the Gothic kings, had been concerned in the receipt and expenditure of the public money. The subjects of Justinian who escaped these partial vexations were oppressed by the irregular maintenance of the soldiers, whom Alexander defrauded and despised; and their hasty sallies in quest of wealth, or subsistence, provoked the inhabitants of the country to await or implore their deliverance from the virtues of a Barbarian. Totila [21] was chaste and temperate; and none were deceived, either friends or enemies, who depended on his faith or his clemency. To the husbandmen of Italy the Gothic king issued a welcome proclamation, enjoining them to pursue their important labours and to rest assured that, on the payment of the ordinary taxes, they should be defended by his valour and discipline from the injuries of war. The strong towns he successively attacked; and, as soon as they had yielded to his arms, he demolished the fortifications, to save the people from the calamities of a future siege, to deprive the Romans of the arts of defence, and to decide the tedious quarrel of the two

om. i. p. 285, 286). Procopius (Anecdot. c. 1) accuses only the empress and Antonina. [Liberatus and the Liber Pont. ("= Anastasius") attribute to Vigilius the removal of Silverius to Palmaria. Procopius (Anecd.) states that this wickedness was wrought by a servant of Antonina.]

[19] Palmaria, a small island, opposite to Tarracina and the coast of the Volsci Cluver. Ital. Antiq. l. iii. c. 7, p. 1014).

[20] As the Logothete Alexander and most of his civil and military colleagues were either disgraced or despised, the ink of the Anecdotes (c. 4, 5, 18) is scarcely blacker than that of the Gothic History (l. iii. c. 1, 3, 4, 9, 20, 21, &c.). [Alexander received for himself a commission of one-twelfth on his extortions. The office of Logothete is fully discussed by Panchenko, *Viz. Vrem.*, 3, p. 468 *sqq.*]

[21] Procopius (l. iii. c. 2, 8, &c.) does ample and willing justice to the merit of Totila. The Roman historians, from Sallust and Tacitus, were happy to forget the vices of their countrymen in the contemplation of Barbaric virtue.

nations by an equal and honourable conflict in the field of battle. The Roman captives and deserters were tempted to enlist in the service of a liberal and courteous adversary; the slaves were attracted by the firm and faithful promise that they should never be delivered to their masters; and, from the thousand warriors of Pavia, a new people, under the same appellation of Goths, was insensibly formed in the camp of Totila. He sincerely accomplished the articles of capitulation, without seeking or accepting any sinister advantage from ambiguous expressions or unforeseen events: the garrison of Naples had stipulated, that they should be transported by sea; the obstinacy of the winds prevented their voyage, but they were generously supplied with horses, provisions, and a safe-conduct to the gates of Rome. The wives of the senators, who had been surprised in the villas of Campania, were restored, without a ransom, to their husbands; the violation of female chastity was inexorably chastised with death; and, in the salutary regulation of the diet of the famished Neapolitans, the conqueror assumed the office of an humane and attentive physician. The virtues of Totila are equally laudable, whether they proceeded from true policy, religious principle, or the instinct of humanity: he often harangued his troops; and it was his constant theme that national vice and ruin are inseparably connected; that victory is the fruit of moral as well as military virtue; and that the prince, and even the people, are responsible for the crimes which they neglect to punish.

Second command of Belisarius in Italy. A.D. 544-548

The return of Belisarius, to save the country which he had subdued, was pressed with equal vehemence by his friends and enemies; and the Gothic war was imposed as a trust or an exile on the veteran commander. An hero on the banks of the Euphrates, a slave in the palace of Constantinople, he accepted, with reluctance, the painful task of supporting his own reputation and retrieving the faults of his successors. The sea was open to the Romans; the ships and soldiers were assembled at Salona, near the palace of Diocletian; he refreshed and reviewed his troops at Pola in Istria, coasted round the head of the Hadriatic, entered the port of Ravenna, and dispatched orders rather than supplies to the subordinate cities. His first public oration was addressed to the Goths and Romans, in the name of the emperor, who had suspended for a while the conquest of Persia and listened to the prayers of his Italian subjects. He gently touched on the causes and the authors of the recent disasters; striving to remove the fear of punishment for the

st and the hope of impunity for the future, and labouring, th more zeal than success, to unite all the members of his vernment in a firm league of affection and obedience. stinian, his gracious master, was inclined to pardon and ward; and it was their interest, as well as duty, to reclaim eir deluded brethren, who had been seduced by the arts of e usurper. Not a man was tempted to desert the standard the Gothic king. Belisarius soon discovered that he was nt to remain the idle and impotent spectator of the glory of young barbarian; and his own epistle exhibits a genuine and ely picture of the distress of a noble mind. "Most excellent ince, we are arrived in Italy, destitute of all the necessary plements of war,—men, horses, arms, and money. In our late rcuit through the villages of Thrace and Illyricum, we have llected, with extreme difficulty, about four thousand recruits, ked and unskilled in the use of weapons and the exercises of e camp. The soldiers already stationed in the province are scontented, fearful, and dismayed; at the sound of an enemy, ey dismiss their horses, and cast their arms on the ground. o taxes can be raised, since Italy is in the hands of the barrians: the failure of payment has deprived us of the right of mmand, or even of admonition. Be assured, dread sir, that e greater part of your troops have already deserted to the oths. If the war could be achieved by the presence of lisarius alone, your wishes are satisfied; Belisarius is in the dst of Italy. But, if you desire to conquer, far other prerations are requisite: without a military force, the title of neral is an empty name. It would be expedient to restore my service my own veterans and domestic guards.[22] Before an take the field, I must receive an adequate supply of light d heavy armed troops; and it is only with ready money that u can procure the indispensable aid of a powerful body of the valry of the Huns."[23] An officer in whom Belisarius confided [A.D. 545] s sent from Ravenna to hasten and conduct the succours; t the message was neglected, and the messenger was detained Constantinople by an advantageous marriage.[24] After his

[22] [δορυφόρους τε καὶ ὑπασπίστας (B.G. 3, 12), who had been disbanded at the e of his disgrace, as is mentioned in the Anecdota (c. 4), where the same exssion is used. (See above, c. 41, p. 339.)]

[23] Procopius, l. iii. c. 12. The soul of an hero is deeply impressed on the letter; can we confound such genuine and original acts with the elaborate and often pty speeches of the Byzantine historians.

[24] [John, son of Vitalian. He married the daughter of Germanus, nephew of inian.]

patience had been exhausted by delay and disappointment, the Roman general repassed the Hadriatic, and expected at Dyrrachium the arrival of the troops, which were slowly assembled among the subjects and allies of the empire. His powers were still inadequate to the deliverance of Rome, which was closely besieged by the Gothic king. The Appian way, a march of forty days, was covered by the barbarians; and, as the prudence of Belisarius declined a battle, he preferred the safe and speedy navigation of five days from the coast of Epirus to the mouth of the Tiber.

Rome besieged by the Goths. A.D. 546, May

After reducing, by force or treaty, the towns of inferior note in the midland provinces of Italy, Totila proceeded, not to assault, but to encompass and starve, the ancient capital.[25] Rome was afflicted by the avarice, and guarded by the valour of Bessas, a veteran chief of Gothic extraction, who filled, with a garrison of three thousand soldiers, the spacious circle of her venerable walls. From the distress of the people he extracted a profitable trade, and secretly rejoiced in the continuance of the siege. It was for his use that the granaries had been replenished; the charity of Pope Vigilius had purchased and embarked an ample supply of Sicilian corn;[26] but the vessels which escaped the barbarians[27] were seized by a rapacious governor, who imparted a scanty sustenance to the soldiers and sold the remainder to the wealthy Romans. The medimnus [About £22 for a quarter] or fifth part of the quarter of wheat, was exchanged for seven [About £30] pieces of gold; fifty pieces were given for an ox, a rare and accidental prize; the progress of famine enhanced this exorbitant value, and the mercenaries were tempted to deprive themselves of the allowance which was scarcely sufficient for the support of life. A tasteless and unwholesome mixture, in which the bran thrice exceeded the quantity of flour, appeased the hunger of the poor; they were gradually reduced to feed on dead horses, dogs, cats, and mice, and eagerly to snatch the grass and even the nettles which grew among the ruins of the city. A crowd of spectres, pale and emaciated, their bodies oppressed with disease and their minds with despair, surrounded the palace of the governor, urged, with unavailing truth, that it was the duty of a master to maintain his slaves, and humbly

[25] [The siege probably began in last months of A.D. 545.]

[26] [Vigilius was then in Sicily.]

[27] [None of the ships sent by Vigilius escaped the Goths. See Proc. B. G. 3. 15, ad fin. The corn from Sicily which Bessas "seized" must be distinguished both from that sent by Vigilius and that mentioned in c. 13.]

equested that he would provide for their subsistence, permit heir flight, or command their immediate execution. Bessas eplied, with unfeeling tranquillity, that it was impossible to ed, unsafe to dismiss, and unlawful to kill, the subjects of he emperor. Yet the example of a private citizen might have hewn his countrymen that a tyrant cannot withhold the rivilege of death. Pierced by the cries of five children, who ainly called on their father for bread, he ordered them to llow his steps, advanced with calm and silent despair to one f the bridges of the Tiber, and, covering his face, threw imself headlong into the stream, in the presence of his family nd the Roman people. To the rich and pusillanimous, Bessas[28] old the permission of departure; but the greatest part of the igitives expired on the public highways, or were intercepted y the flying parties of barbarians. In the meanwhile, the rtful governor soothed the discontent, and revived the hopes, f the Romans, by the vague reports of the fleets and armies hich were hastening to their relief from the extremities of he East. They derived more rational comfort from the assurnce that Belisarius had landed at the *port;* and, without umbering his forces, they firmly relied on the humanity, the ourage, and the skill of their great deliverer.

Attempt of Belisarius

The foresight of Totila had raised obstacles worthy of such antagonist.[29] Ninety furlongs below the city, in the narrowt part of the river, he joined the two banks by strong and olid timbers in the form of a bridge; on which he erected two fty towers, manned by the bravest of his Goths, and profusely ored with missile weapons and engines of offence. The pproach of the bridge and towers was covered by a strong nd massy chain of iron; and the chain, at either end, on the pposite sides of the Tiber, was defended by a numerous and nosen detachment of archers. But the enterprise of forcing ese barriers and relieving the capital displays a shining exmple of the boldness and conduct of Belisarius. His cavalry dvanced from the port along the public road, to awe the

[28] The avarice of Bessas is not dissembled by Procopius (l. iii. c. 17, 20). He piated the loss of Rome by the glorious conquest of Petræa (Goth. l. iv. c. 12); t the same vices followed him from the Tiber to the Phasis (c. 13); and the storian is equally true to the merits and defects of his character. The chastisent which the author of the romance of *Bélisaire* has inflicted on the oppressor Rome is more agreeable to justice than to history.

[29] [In the following episode it is to be remembered that the Romans now held rtus, on the right bank, while the Goths held Ostia, on the left. In the siege 537, the Goths had held Portus, the Romans Ostia.]

motions, and distract the attention, of the enemy. His infantry and provisions were distributed in two hundred large boats, and each boat was shielded by an high rampart of thick planks, pierced with many small holes for the discharge of missile weapons. In the front, two large vessels were linked together to sustain a floating castle, which commanded the towers of the bridge, and contained a magazine of fire, sulphur, and bitumen.[30] The whole fleet, which the general led in person, was laboriously moved against the current of the river. The chain yielded to their weight, and the enemies who guarded the banks were either slain or scattered.[31] As soon as they touched the principal barrier, the fire-ship was instantly grappled to the bridge; one of the towers, with two hundred Goths, was consumed by the flames; the assailants shouted victory; and Rome was saved, if the wisdom of Belisarius had not been defeated by the misconduct of his officers. He had previously sent orders to Bessas to second his operations by a timely sally from the town; and he had fixed his lieutenant, Isaac, by a peremptory command, to the station of the port. But avarice rendered Bessas immoveable; while the youthful ardour of Isaac delivered him into the hands of a superior enemy. The exaggerated rumour of his defeat was hastily carried to the ears of Belisarius: he paused; betrayed in that single moment of his life some emotions of surprise and perplexity; and reluctantly sounded a retreat to save his wife Antonina, his treasures, and the only harbour which he possessed on the Tuscan coast. The vexation of his mind produced an ardent and almost mortal fever; and Rome was left without protection to the mercy or indignation of Totila. The continuance of hostilities had embittered the national hatred; the Arian clergy was ignominiously driven from Rome; Pelagius, the archdeacon, returned without success from an embassy to the Gothic camp; and a Sicilian bishop, the envoy or nuncio of the pope, was deprived of both of his hands, for daring to utter falsehoods in the service of the church and state.[32]

[30] [A boat (λέμβος) containing these substances was suspended at the top of the tower; and probably worked by a crane; for it was cast into the bridge-tower of Totila which stood on the northern bank.]

[31] [The words of Procopius seem rather to imply that the enemies were first destroyed or scattered, and that then the chain was removed, presumably by being unfastened at the banks (τὴν ἅλυσιν ἀνελόμενοι). There seems no reason to suspect with Mr. Hodgkin, that divers were at work.]

[32] [This sentence, referring to previous events, might mislead the reader. The expulsion of the Arian clergy took place in A.D. 544, the fruitless mission of Pelagius near the beginning of the siege; and the bishop who was mutilated had come with the corn-ships sent by Vigilius.]

Famine had relaxed the strength and discipline of the rrison of Rome. They could derive no effectual service from dying people; and the inhuman avarice of the merchant at ngth absorbed the vigilance of the governor. Four Isaurian ntinels, while their companions slept and their officers were sent, descended by a rope from the wall, and secretly pro- sed to the Gothic king to introduce his troops into the city. ne offer was entertained with coldness and suspicion; they turned in safety; they twice repeated their visit; the place as twice examined; the conspiracy was known and disregarded; d no sooner had Totila consented to the attempt, than they barred the Asinarian gate and gave admittance to the Goths. ll the dawn of day they halted in order of battle, apprehen- e of treachery or ambush; but the troops of Bessas, with eir leader, had already escaped; and, when the king was essed to disturb their retreat, he prudently replied that no ght could be more grateful than that of a flying enemy. The tricians who were still possessed of horses, Decius, Basilius,[33] ., accompanied the governor; their brethren, among whom ybrius, Orestes, and Maximus are named by the historian, ok refuge in the church of St. Peter; but the assertion that ly five hundred persons remained in the capital inspires some ubt of the fidelity either of his narrative or of his text. As on as daylight had displayed the entire victory of the Goths, eir monarch devoutly visited the tomb of the prince of the ostles; but, while he prayed at the altar, twenty-five soldiers d sixty citizens were put to the sword in the vestibule of the mple. The archdeacon Pelagius[34] stood before him with the spels in his hand. "O Lord, be merciful to your servant." Pelagius," said Totila with an insulting smile, "your pride w condescends to become a suppliant." "I *am* a suppliant," plied the prudent archdeacon; "God has now made us your bjects, and, as your subjects, we are entitled to your clemency." his humble prayer, the lives of the Romans were spared; d the chastity of the maids and matrons was preserved in- late from the passions of the hungry soldiers. But they re rewarded by the freedom of pillage, after the most

Rome taken by the Goths, A.D. 546, Dec. 17

[33] [Perhaps the same as the Basil who was the last Roman consul.]

[34] During the long exile, and after the death, of Vigilius, the Roman church governed, at first by the archdeacon, and at length (A.D. 555) by the pope, agius, who was not thought guiltless of the sufferings of his predecessor. See original lives of the popes under the name of Anastasius (Muratori, Script. . Italicarum, tom. iii. P. i. p. 130, 131), who relates several curious incidents he sieges of Rome and the wars of Italy.

precious spoils had been reserved for the royal treasury. The houses of the senators were plentifully stored with gold and silver; and the avarice of Bessas had laboured with so much guilt and shame for the benefit of the conqueror. In this revolution the sons and daughters of Roman consuls tasted the misery which they had spurned or relieved, wandered in tattered garments through the streets of the city, and begged their bread, perhaps without success, before the gates of their hereditary mansions. The riches of Rusticiana, the daughter of Symmachus and widow of Boethius, had been generously devoted to alleviate the calamities of famine. But the Barbarians were exasperated by the report that she had prompted the people to overthrow the statues of the great Theodoric; and the life of that venerable matron would have been sacrificed to his memory, if Totila had not respected her birth, her virtues, and even the pious motive of her revenge. The next day he pronounced two orations, to congratulate and admonish his victorious Goths, and to reproach the senate, as the vilest of slaves, with their perjury, folly, and ingratitude; sternly declaring that their estates and honours were justly forfeited to the companions of his arms. Yet he consented to forgive their revolt, and the senators repaid his clemency by dispatching circular letters to their tenants and vassals in the provinces of Italy, strictly to enjoin them to desert the standard of the Greeks, to cultivate their lands in peace, and to learn from their masters the duty of obedience to a Gothic sovereign. Against the city which had so long delayed the course of his victories he appeared inexorable: one-third of the walls, in different parts, were demolished by his command; fire and engines prepared to consume or subvert the most stately works of antiquity; and the world was astonished by the fatal decree, that Rome should be changed into a pasture for cattle. The firm and temperate remonstrance of Belisarius suspended the execution; he warned the Barbarian not to sully his fame by the destruction of those monuments which were the glory of the dead and the delight of the living; and Totila was persuaded by the advice of an enemy to preserve Rome as the ornament of his kingdom or the fairest pledge of peace and reconciliation. When he had signified to the ambassadors of Belisarius his intention of sparing the city, he stationed an army at the distance of one hundred and twenty furlongs, to observe the motions of the Roman general. With the remainder of his forces, he marched into Lucania and Apulia, and occupied on the summit of mount

Garganus [35] one of the camps of Hannibal.[36] The senators were ragged in his train, and afterwards confined in the fortresses f Campania; the citizens, with their wives and children, were ispersed in exile; and during forty days Rome was abandoned o desolate and dreary solitude.[37]

The loss of Rome was speedily retrieved by an action to which, according to the event, the public opinion would apply he names of rashness or heroism. After the departure of Totila, the Roman general sallied from the port at the head of thousand horse, cut in pieces the enemy who opposed his rogress, and visited with pity and reverence the vacant space f the *eternal* city. Resolved to maintain a station so conpicuous in the eyes of mankind, he summoned the greatest art of his troops to the standard which he erected on the apitol; the old inhabitants were recalled by the love of their ountry and the hopes of food; and the keys of Rome were ent a second time to the emperor Justinian. The walls, as far s they had been demolished by the Goths, were repaired with ude and dissimilar materials; the ditch was restored; iron ikes [38] were profusely scattered on the highways to annoy he feet of the horses; and, as new gates could not suddenly be rocured, the entrance was guarded by a Spartan rampart of is bravest soldiers. At the expiration of twenty-five days, otila returned by hasty marches from Apulia, to avenge the jury and disgrace. Belisarius expected his approach. The oths were thrice repulsed in three general assaults; they lost he flower of their troops; the royal standard had almost

Recovered by Belisarius, A.D. 547, February

[35] Mount Garganus (now Monte St. Angelo), in the kingdom of Naples, runs ree hundred stadia into the Hadriatic Sea (Strab. l. vi. p. 436 [3, § 9]), and in the rker ages was illustrated by the apparition, miracles, and church of St. Michael e archangel. Horace, a native of Apulia or Lucania, had seen the elms and oaks Garganus labouring and bellowing with the north wind that blew on that lofty ast (Carm. ii. 9; Epist. ii. 1. 201 [*leg.* 202]).

[36] I cannot ascertain this particular camp of Hannibal; but the Punic quarters re long and often in the neighbourhood of Arpi (T. Liv. xxii. 9, 12; xxiv. &c.).

[37] Totila . . . Romam ingreditur . . . ac evertit muros domos aliquantas ni comburens, ac omnes Romanorum res in prædam accepit, hos ipsos Romanos Campaniam captivos abduxit. Post quam devastationem, xl. aut amplius dies, oma fuit ita desolata, ut nemo ibi hominum, nisi (*nullae?*) bestiæ morarentur Marcellin. in Chron. p. 54).

[38] The *tribuli* are small engines with four spikes, one fixed in the ground, the ree others erect or adverse (Procopius, Gothic. l. iii. c. 24; Just. Lipsius, oliorcet$\omega\nu$, l. v. c. 3). [Rather the opposite; three fixed in the ground, one vays erect, however thrown. The description of Procopius is quite clear.] he metaphor was borrowed from the tribuli (*land-caltrops*), an herb with a prickly it common in Italy (Martin, ad Virgil. Georgic. i. 153, vol. ii. p. 33).

fallen into the hands of the enemy; and the fame of Totila sunk, as it had risen, with the fortune of his arms. Whatever skill and courage could achieve had been performed by the Roman general; it remained only that Justinian should terminate, by a strong and seasonable effort, the war which he had ambitiously undertaken. The indolence, perhaps the impotence, of a prince who despised his enemies and envied his servants protracted the calamities of Italy. After a long silence, Belisarius was commanded to leave a sufficient garrison at Rome, and to transport himself into the province of Lucania, whose inhabitants, inflamed by catholic zeal, had cast away the yoke of their Arian conquerors. In this ignoble warfare, the hero, invincible against the power of the Barbarians, was basely vanquished by the delay, the disobedience, and the cowardice of his own officers. He reposed in his winter-quarters of Crotona, in the full assurance that the two passes of the Lucanian hills were guarded by his cavalry. They were betrayed by treachery or weakness; and the rapid march of the Goths [A.D. 548] scarcely allowed time for the escape of Belisarius to the coast of Sicily. At length a fleet and army were assembled for the relief of Ruscianum, or Rossano,[39] a fortress, sixty furlongs from the ruins of Sybaris, where the nobles of Lucania had taken refuge. In the first attempt the Roman forces were dissipated by a storm. In the second they approached the shore; but they saw the hills covered with archers, the landing-place defended by a line of spears, and the king of the Goths impatient for battle. The conqueror of Italy retired with a sigh, and continued to languish, inglorious and inactive, till Antonina, who had been sent to Constantinople to solicit succours, obtained, after the death of the empress, the permission of his return.

Final recall of Belisarius. A.D. 548, September

The five last campaigns of Belisarius might abate the envy of his competitors, whose eyes had been dazzled and wounded by the blaze of his former glory. Instead of delivering Italy from the Goths, he had wandered like a fugitive along the coast without daring to march into the country or to accept the bold and repeated challenge of Totila. Yet, in the judgment of the few who could discriminate counsels from events and compare the instruments with the execution, he appeared a more con-

[39] Ruscia, the *navale Thuriorum*, was transferred to the distance of sixty stadia to Ruscianum, Rossano, an archbishoprick without suffragans. The republic of Sybaris is now the estate of the duke of Corigliano (Riedesel, Travels into Magna Græcia and Sicily, p. 166-171).

summate master of the art of war, than in the season of his prosperity, when he presented two captive kings before the throne of Justinian. The valour of Belisarius was not chilled by age; his prudence was matured by experience; but the moral virtues of humanity and justice seem to have yielded to the hard necessity of the times. The parsimony or poverty of the emperor compelled him to deviate from the rule of conduct which had deserved the love and confidence of the Italians. The war was maintained by the oppression of Ravenna, Sicily, and all the faithful subjects of the empire; and the rigorous prosecution of Herodian provoked that injured or guilty officer to deliver Spoleto into the hands of the enemy.[40] The avarice of Antonina, which had been sometimes diverted by love, now reigned without a rival in her breast. Belisarius himself had always understood that riches, in a corrupt age, are the support and ornament of personal merit. And it cannot be presumed that he should stain his honour for the public service, without applying a part of the spoil to his private emolument. The hero had escaped the sword of the barbarians, but the dagger of conspiracy [41] awaited his return. In the midst of wealth and honours, Artaban, who had chastised the African tyrant, complained of the ingratitude of courts. He aspired to Præjecta, the emperor's niece,[42] who wished to reward her deliverer; but the impediment of his previous marriage was asserted by the piety of Theodora. The pride of royal descent was irritated by flattery; and the service in which he gloried had proved him capable of bold and sanguinary deeds. The death of Justinian was resolved, but the conspirators delayed the execution till they could surprise Belisarius, disarmed and naked, in the palace of Constantinople. Not a hope could be entertained of shaking his long-tried fidelity; and they justly dreaded the revenge, or rather justice, of the veteran general, who might speedily assemble an army in Thrace, to punish the assassins, and perhaps to enjoy the fruits of their crime. Delay afforded time for rash communications and honest confessions; Artaban and his accomplices were condemned by the senate; but the extreme clemency of Justinian detained them in the

[40] [A.D. 545. It was recovered A.D. 547; lost again; and recovered once more A.D. 552.]

[41] This conspiracy is related by Procopius (Gothic. l. iii. c. 31, 32) with such freedom and candour that the liberty of the Anecdotes gives him nothing to add.

[42] [Widow of Areobindus.]

gentle confinement of the palace, till he pardoned their fla gitious attempt against his throne and life. If the emperc forgave his enemies, he must cordially embrace a friend whos victories were alone remembered, and who was endeared t his prince by the recent circumstance of their common danger Belisarius reposed from his toils, in the high station of genera of the East and count of the domestics ; and the older consul and patricians respectfully yielded the precedency of rank t the peerless merit of the first of the Romans.[43] The first o the Romans still submitted to be the slave of his wife ; but th servitude of habit and affection became less disgraceful whe the death of Theodora had removed the baser influence of fea Joannina their daughter, and the sole heiress of their fortune was betrothed to Anastasius the grandson, or rather the nephew of the empress,[44] whose kind interposition forwarded the con summation of their youthful loves. But the power of Theodor expired, the parents of Joannina returned, and her honour perhaps her happiness, were sacrificed to the revenge of a unfeeling mother, who dissolved the imperfect nuptials befor they had been ratified by the ceremonies of the church.[45]

Rome again taken by the Goths. A.D. 549

Before the departure of Belisarius, Perusia was besieged, an few cities were impregnable to the Gothic arms. Ravenna Ancona, and Crotona still resisted the Barbarians ; and, whe Totila asked in marriage one of the daughters of France,[46] h was stung by the just reproach that the king of Italy was un worthy of his title till it was acknowledged by the Roma people. Three thousand of the bravest soldiers had been lef

[43] The honours of Belisarius are gladly commemorated by his secretary (Procop Goth. l. iii. c. 35 ; l. iv. c. 21). The title of Στρατηγός is ill translated, at least i this instance, by præfectus prætorio ; and to a military character magister m litum is more proper and applicable (Ducange, Gloss. Græc. p. 1458, 1459).

[44] Alemannus (ad Hist. Arcanam, p. 68), Ducange (Familiæ Byzant. p. 98), an Heineccius (Hist. Juris Civilis, p. 434), all three represent Anastasius as the so of the daughter of Theodora ; and their opinion firmly reposes on the unam biguous testimony of Procopius (Anecdot. c. 4, 5.—θυγατριδῶ, twice repeated And yet I will remark, 1. That in the year 547, Theodora could scarcely have grandson of the age of puberty ; 2. That we are totally ignorant of this daughte and her husband ; and, 3. That Theodora concealed her bastards, and that he grandson by Justinian would have been heir apparent of the empire.

[45] The ἁμαρτήματα, or sins, of the hero, in Italy and after his return, are man fested ἀπαρακαλύπτως, and most probably swelled, by the author of the Anecdote (c. 4, 5). The designs of Antonina were favoured by the fluctuating jurisprudenc of Justinian. On the law of marriage and divorce the emperor was troch versatilior (Heineccius, Element. Juris Civil. ad Ordinem Pandect. P. iv. No 233).

[46] [Probably of Theudibert of Metz.]

to defend the capital. On the suspicion of a monopoly, they massacred the governor, and announced to Justinian, by a deputation of the clergy, that, unless their offence was pardoned and their arrears were satisfied, they should instantly accept the tempting offers of Totila. But the officer who succeeded to the command (his name was Diogenes) deserved their esteem and confidence; and the Goths, instead of finding an easy conquest, encountered a vigorous resistance from the soldiers and people, who patiently endured the loss of the port and of all the maritime supplies. The siege of Rome would perhaps have been raised, if the liberality of Totila to the Isaurians had not encouraged some of their venal countrymen to copy the example of treason. In a dark night, while the Gothic trumpets sounded on another side, they silently opened the gate of St. Paul; the barbarians rushed into the city; and the flying garrison was intercepted before they could reach the harbour of Centumcellæ. [Cività Vecchia] A soldier trained in the school of Belisarius, Paul of Cilicia, retired with four hundred men to the mole of Hadrian. They repelled the Goths; but they felt the approach of famine; and their aversion to the taste of horse-flesh confirmed their resolution to risk the event of a desperate and decisive sally. But their spirit insensibly stooped to the offers of capitulation; they retrieved their arrears of pay, and preserved their arms and horses, by enlisting in the service of Totila; their chiefs, who pleaded a laudable attachment to their wives and children in the East, were dismissed with honour; and above four hundred enemies, who had taken refuge in the sanctuaries, were saved by the clemency of the victor. He no longer entertained a wish of destroying the edifices of Rome,[47] which he now respected as the seat of the Gothic kingdom; the senate and people were restored to their country; the means of subsistence were liberally provided; and Totila, in the robe of peace, exhibited the equestrian games of the circus. Whilst he amused the eyes of the multitude, four hundred vessels were prepared for the embarkation of his troops. The cities of Rhegium and Tarentum [A.D 549-50] were reduced; he passed into Sicily, the object of his implacable resentment; and the island was stripped of its gold and silver,

[47] The Romans were still attached to the monuments of their ancestors, and, according to Procopius (Goth. l. iv. c. 22), the galley of Æneas, of a single rank of oars, 25 feet in breadth, 120 in length, was preserved entire in the *navalia*, near Monte Testaceo, at the foot of the Aventine (Nardini, Roma Antica, l. vii. c. 9, p. 466. Donatus, Roma Antiqua, l. iv. c. 13, p. 334). But all antiquity is ignorant of this relic.

of the fruits of the earth, and of an infinite number of horses sheep, and oxen. Sardinia and Corsica obeyed the fortune o Italy; and the sea coast of Greece was visited by a fleet o [A.D. 551] three hundred galleys.[48] The Goths were landed in Corcyr and the ancient continent of Epirus; they advanced as far a Nicopolis, the trophy of Augustus, and Dodona,[49] once famou by the oracle of Jove. In every step of his victories, the wis Barbarian repeated to Justinian his desire of peace, applaude the concord of their predecessors, and offered to employ th Gothic arms in the service of the empire.

Preparations of Justinian for the Gothic war. A.D 549-551

Justinian was deaf to the voice of peace; but he neglecte the prosecution of war; and the indolence of his temper disap pointed, in some degree, the obstinacy of his passions. Fron this salutary slumber the emperor was awakened by the pop Vigilius and the patrician Cethegus, who appeared before hi throne, and adjured him in the name of God and the peopl to resume the conquest and deliverance of Italy. In th choice of the generals, caprice, as well as judgment, was shewn A fleet and army sailed for the relief of Sicily, under the con duct of Liberius; but his want of youth and experience wer afterwards discovered, and, before he touched the shores o the island, he was overtaken by his successor. In the place o Liberius the conspirator Artaban was raised from a prison t military honours; in the pious presumption that gratitud would animate his valour and fortify his allegiance. Belisariu reposed in the shade of his laurels, but the command of th principal army was reserved for Germanus,[50] the emperor nephew, whose rank and merit had been long depressed b the jealousy of the court. Theodora had injured him in th rights of a private citizen, the marriage of his children, an the testament of his brother; and, although his conduct wa pure and blameless, Justinian was displeased that he should b

[48] In these seas, Procopius searched without success for the isle of Calypso He was shewn, at Phæacia or Corcyra, the petrified ship of Ulysses (Odyss. xi 163); but he found it a recent fabric of many stones, dedicated by a merchant t Jupiter Casius (l. iv. c. 22). Eustathius had supposed it to be the fanciful lik ness of a rock.

[49] M. d'Anville (Mémoires de l'Acad. tom. xxxii. p. 513-528) illustrates the gu of Ambracia; but he cannot ascertain the situation of Dodona. A country in sigh of Italy is less known than the wilds of America.

[50] See the acts of Germanus in the public (Vandal. l. ii. c. 16, 17, 18; Goth l. iii. c. 31, 32) and private history (Anecdot. c. 5), and those of his son Justi in Agathias (l. iv. p. 130, 131 [c. 21]). Notwithstanding an ambiguous expression Jornandes, fratri suo, Alemannus has proved that he was the son of the emperor brother.

nought worthy of the confidence of the malecontents. The fe of Germanus was a lesson of implicit obedience; he nobly efused to prostitute his name and character in the factions of ne circus; the gravity of his manners was tempered by nocent cheerfulness; and his riches were lent without terest to indigent or deserving friends. His valour had rmerly triumphed over the Sclavonians of the Danube and [A D. 527] ne rebels of Africa; the first report of his promotion revived ne hopes of the Italians; and he was privately assured that a rowd of Roman deserters would abandon, on his approach, ne standard of Totila. His second marriage with Malasontha, [Mata-suentha] ne grand-daughter of Theodoric, endeared Germanus to the oths themselves; and they marched with reluctance against ne father of a royal infant, the last offspring of the line of mali.[51] A splendid allowance was assigned by the emperor; ne general contributed his private fortune; his two sons were opular and active; and he surpassed, in the promptitude and ccess of his levies, the expectation of mankind. He was ermitted to select some squadrons of Thracian cavalry; the eterans, as well as the youth of Constantinople and Europe, ngaged their voluntary service; and as far as the heart of ermany[52] his fame and liberality attracted the aid of the arbarians. The Romans advanced to Sardica; an army of clavonians fled before their march; but within two days of neir final departure, the designs of Germanus were terminated y his malady and death. Yet the impulse which he had ven to the Italian war still continued to act with energy and ffect. The maritime towns, Ancona, Crotona, Centumcellæ, sisted the assaults of Totila. Sicily was reduced by the zeal Artaban, and the Gothic navy was defeated near the coast the Hadriatic. The two fleets were almost equal, forty-ven to fifty galleys: the victory was decided by the know-dge and dexterity of the Greeks; but the ships were so osely grappled that only twelve of the Goths escaped from is unfortunate conflict. They affected to depreciate an ement in which they were unskilled, but their own experience nfirmed the truth of a maxim, that the master of the sea will ways acquire the dominion of the land.[53]

[51] Conjuncta Aniciorum gens cum Amalâ stirpe spem adhuc utriusque generis omittit, Jornandes, c. 60, p. 703. He wrote at Ravenna before the death of Totila.

[52] [Procopius says nothing of troops from the heart of Germany.]

[53] The third book of Procopius is terminated by the death of Germanus (Add. l. c. 23, 24, 25, 26).

Character and expedition of the eunuch Narses. A.D. [illegible]

After the loss of Germanus, the nations were provoked i smile by the strange intelligence that the command of th Roman armies was given to an eunuch. But the eunuch Narses is ranked among the few who have rescued that unhappy nam from the contempt and hatred of mankind. A feeble diminu tive body concealed the soul of a statesman and a warrior. H youth had been employed in the management of the loom an distaff, in the cares of the household, and the service of femal luxury; but, while his hands were busy, he secretly exercise the faculties of a vigorous and discerning mind. A stranger t the schools and the camp, he studied in the palace to dissemble to flatter, and to persuade; and, as soon as he approached th person of the emperor, Justinian listened with surprise an pleasure to the manly counsels of his chamberlain and privat treasurer.[55] The talents of Narses were tried and improved i frequent embassies; he led an army into Italy, acquired practical knowledge of the war and the country, and presume to strive with the genius of Belisarius. Twelve years after h return, the eunuch was chosen to achieve the conquest whic had been left imperfect by the first of the Roman general Instead of being dazzled by vanity or emulation, he seriousl declared that, unless he were armed with an adequate forc he would never consent to risk his own glory and that of h sovereign. Justinian granted to the favourite what he migh have denied to the hero: the Gothic war was rekindled fro its ashes, and the preparations were not unworthy of the ancie majesty of the empire. The key of the public treasure was p into his hand, to collect magazines, to levy soldiers, to purcha arms and horses, to discharge the arrears of pay, and to tem the fidelity of the fugitives and deserters. The troops of Ge manus were still in arms; they halted at Salona in the expect tion of a new leader; and legions of subjects and allies we created by the well-known liberality of the eunuch Narse

[54] Procopius relates the whole series of this second Gothic war and the victo of Narses (l. iv. c. 21, 26-35). A splendid scene! Among the six subjects epic poetry which Tasso revolved in his mind, he hesitated between the conque of Italy by Belisarius and by Narses (Hayley's Works, vol. iv. p. 70).

[55] The country of Narses is unknown, since he must not be confounded wi the Persarmenian. Procopius styles him (Goth. l. ii. c. 13) βασιλικῶν χρημάτων ταμία Paul Warnefrid (l. ii. c. 3, p. 776), Chartularius: Marcellinus adds the name Cubicularius. In an inscription on the Salarian bridge he is entitled Ex-cons Ex-præpositus, Cubiculi Patricius (Mascou, Hist. of the Germans, l. xiii. c. [see C.I.L. vi. 1199]. The law of Theodosius against eunuchs was obsolete abolished (Annotation xx.); but the foolish prophecy of the Romans subsisted full vigour (Procop. l. iv. c. 21). [Narses ὁ βασιλέως ταμίας *was* a Persarmenia Proc., B. P. i. 15, p. 79, ed. Bonn.]

he king of the Lombards[56] satisfied or surpassed the obligations a treaty, by lending two thousand two hundred[57] of his avest warriors, who were followed by three thousand of their artial attendants. Three thousand Heruli fought on horse-ck under Philemuth, their native chief; and the noble Aratus, ho adopted the manners and discipline of Rome, conducted a nd of veterans of the same nation. Dagistheus was released om prison to command the Huns; and Kobad, the grandson nd nephew of the Great King, was conspicuous by the regal ara at the head of his faithful Persians, who had devoted nemselves to the fortunes of their prince.[58] Absolute in the xercise of his authority, more absolute in the affection of his oops, Narses led a numerous and gallant army from Philip-opolis to Salona, from whence he coasted the eastern side of ne Hadriatic as far as the confines of Italy. His progress was necked. The East could not supply vessels capable of trans-orting such multitudes of men and horses. The Franks, who the general confusion had usurped the greater part of the enetian province, refused a free passage to the friends of the ombards. The station of Verona was occupied by Teias, with ne flower of the Gothic forces; and that skilful commander ad overspread the adjacent country with the fall of woods and ne inundation of waters.[59] In this perplexity, an officer of xperience proposed a measure, secure by the appearance of shness: that the Roman army should cautiously advance along ne seashore, while the fleet preceded their march, and succes-vely cast a bridge of boats over the mouths of the rivers, the imavus, the Brenta, Adige, and the Po, that fall into the Adriatic to the north of Ravenna. Nine days he reposed in ne city, collected the fragments of the Italian army, and arched towards Rimini to meet the defiance of an insulting nemy.

[56] Paul Warnefrid, the Lombard, records with complacency the succour, rvice, and honourable dismission of his countrymen—reipublicæ Romanæ [Rom. i p.] adversus æmulos adjutores fuerant [fuerunt] (l. ii. c. 1, p. 774, edit. Grot.). am surprised that Alboin, their martial king, did not lead his subjects in person. udoin, father of Alboin, was king at this time; Procop. B. G. iv. 26.]

[57] [Read, two thousand *five* hundred.]

[58] He was, if not an impostor, the son of the blind Zames, saved by compas-on, and educated in the Byzantine court by the various motives of policy, pride, d generosity (Procop. Persic. l. i. c. 23).

[59] In the time of Augustus, and in the middle ages, the whole waste from quileia to Ravenna was covered with woods, lakes, and morasses. Man has bdued nature, and the land has been cultivated, since the waters are confined d embanked. See the learned researches of Muratori (Antiquitat. Italiæ medii vi, tom. i. dissert. xxi. p. 253, 254), from Vitruvius, Strabo, Herodian, old arters, and local knowledge.

Defeat and death of Totila. A.D 552, July

The prudence of Narses impelled him to speedy and decisive action. His powers were the last effort of the state: the cost of each day accumulated the enormous account; and the nations untrained to discipline or fatigue, might be rashly provoked to turn their arms against each other, or against their benefactor. The same considerations might have tempered the ardour of Totila. But he was conscious, that the clergy and people of Italy aspired to a second revolution: he felt or suspected the rapid progress of treason, and he resolved to risk the Gothic kingdom on the chance of a day, in which the valiant would be animated by instant danger and the disaffected might be awed by mutual ignorance. In his march from Ravenna, the Roman general chastised the garrison of Rimini, traversed in a direct line the hills of Urbino, and re-entered the Flaminian way nine miles beyond the perforated rock, an obstacle of art and nature which might have stopped or retarded his progress.[60] The Goths were assembled in the neighbourhood of Rome, they advanced without delay to seek a superior enemy, and the two armies approached each other at the distance of one hundred furlongs, between Tagina[61] and the sepulchres of the Gauls.[62]

[Petra Pertusa]

[60] The Flaminian way, as it is corrected from the Itineraries, and the best modern maps, by d'Anville (Analyse de l'Italie, p. 147-162), may be thus stated: Rome to Narni, 51 Roman miles; Terni, 57; Spoleto, 75; Foligno, 88; Nocera, 103; Cagli, 142; Intercisa [Petra Pertusa], 157; Fossombrone, 160; Fano, 176; Pesaro, 184; Rimini, 208—about 189 English miles. He takes no notice of the death of Totila; but Wesseling (Itinerar. p. 614) exchanges for the field of *Taginas* the unknown appellation of *Ptanias*, eight miles from Nocera.

[61] Taginæ, or rather Tadinæ, is mentioned by Pliny; but the bishopric of that obscure town, a mile from Gualdo, in the plain, was united, in the year 1007, with that of Nocera. The signs of antiquity are preserved in the local appellations of *Fossato*, the camp; *Capraia*, Caprea; *Bastia*, Busta Gallorum. See Cluverius (Italia Antiqua, l. ii. c. 6, p. 615, 616, 617), Lucas Holstenius (Annotat. ad Cluver. p. 85, 86), Guazzesi (Dissertat. p. 177-217, a professed inquiry), and the maps of the ecclesiastical state and the march of Ancona, by Le Maire and Magini. [See a memoir on the site of the battle by Mr. Hodgkin in the "Atti e memorie della R. Deputazione di Storia Patria per le provincie di Romagna," 1884 (p. 35 *sqq.*), and Italy and her Invaders, iv. p. 710 *sqq.* The site has not been determined with certainty. (1) The mention of the Busta Gallorum (see next note) has been used as an argument for Sassoferrato near Sentinum. Procopius is mistaken in naming Camillus, who fought no battles in Umbria; but it is supposed that he may have been thinking of the Battle of Sentinum (B.C. 295). Sassoferrato is east of the Flaminian road, and is separated from Tadinum by a high pass. (2) Mr. Hodgkin argues for Ad Ensem, or Scheggia, where the Flaminian road reaches the top of the pass. His view is that Narses, having turned the fortress of Petra Pertusa by taking a southern route, reached the Flaminian Way at Callis and marched up to Ad Ensem. This site suits the words of Procopius, ἐν χωρίῳ ὁμαλῷ, "at a level place," but it has been objected that there is hardly room for a battle of such a scale. Procopius states that the distance between the camps of Narses and Totila was at first 100 stadia, and the distance between Scheggia and Tadino, 12 miles, nearly corresponds.]

[62] The battle [of Sentinum] was fought in the year of Rome 458 [B.C. 295]; an

he haughty message of Narses was an offer, not of peace, but f pardon. The answer of the Gothic king declared his resolu- on to die or conquer. "What day," said the messenger, "will ou fix for the combat?" "The eighth day," replied Totila: ut early the next morning he attempted to surprise a foe, uspicious of deceit and prepared for battle. Ten thousand eruli and Lombards, of approved valour and doubtful faith, ere placed in the centre. Each of the wings was composed f eight thousand Romans; the right was guarded by the cavalry f the Huns, the left was covered by fifteen hundred chosen orse,[63] destined, according to the emergencies of action, to ustain the retreat of their friends or to encompass the flank f the enemy. From his proper station at the head of the right ing,[64] the eunuch rode along the line, expressing by his voice nd countenance the assurance of victory; exciting the soldiers f the emperor to punish the guilt and madness of a band of obbers; and exposing to their view gold chains, collars, and racelets, the rewards of military virtue. From the event of a ngle combat they drew an omen of success; and they beheld ith pleasure the courage of fifty archers, who maintained a mall eminence against three successive attacks of the Gothic avalry.[65] At the distance only of two bow-shots, the armies pent the morning in dreadful suspense, and the Romans tasted ome necessary food, without unloosening the cuirass from their reast, or the bridle from their horses. Narses awaited the harge; and it was delayed by Totila till he had received his ast succours of two thousand Goths. While he consumed the ours in fruitless treaty, the king exhibited in a narrow space he strength and agility of a warrior. His armour was enchased ith gold; his purple banner floated with the wind: he cast his nce into the air; caught it with the right hand; shifted it to he left; threw himself backwards; recovered his seat; and

e consul Decius, by devoting his own life, assured the triumph of his country and s colleague Fabius (T. Liv. x. 28, 29). Procopius ascribes to Camillus the victory the *Busta Gallorum;* and his error was branded by Cluverius with the national proach of Græcorum nugamenta.

[63] [They were drawn up at an angle to the left wing and in front of the eminence hich is mentioned below; 500 were to sustain the retreat, if necessary; 1000 to tack the enemy in the rear.]

[64] [Narses, with John, commanded not the right, but the left wing. Proc. B. G. 31 ad init.]

[65] [The author does not bring out sufficiently the importance of this hill, which as in fact the key to the position. It commanded a path by which the Imperial- ts could have been taken in the rear, if Narses had not anticipated Totila in izing it.]

managed a fiery steed in all the paces and evolutions of the equestrian school. As soon as the succours had arrived, he retired to his tent, assumed the dress and arms of a private soldier, and gave the signal of battle. The first line of cavalry advanced with more courage than discretion, and left behind them the infantry of the second line. They were soon engaged between the horns of a crescent, into which the adverse wings had been insensibly curved, and were saluted from either side by the volleys of four thousand archers. Their ardour, and even their distress, drove them forwards to a close and unequal conflict, in which they could only use their lances against an enemy equally skilled in all the instruments of war. A generous emulation inspired the Romans and their barbarian allies; and Narses, who calmly viewed and directed their efforts, doubted to whom he should adjudge the prize of superior bravery. The Gothic cavalry was astonished and disordered, pressed and broken; and the line of infantry, instead of presenting their spears or opening their intervals, were trampled under the feet of the flying horse. Six thousand of the Goths were slaughtered, without mercy, in the field of Tagina. Their prince, with five attendants, was overtaken by Asbad, of the race of the Gepidæ. "Spare the king of Italy," cried a loyal voice, and Asbad struck his lance through the body of Totila. The blow was instantly revenged by the faithful Goths; they transported [To Caprara] their dying monarch seven miles[66] beyond the scene of his disgrace; and his last moments were not embittered by the presence of an enemy. Compassion afforded him the shelter of an obscure tomb; but the Romans were not satisfied of their victory, till they beheld the corpse of the Gothic king. His hat, enriched with gems, and his bloody robe, were presented to Justinian by the messengers of triumph.[67]

Conquest of Rome by Narses

As soon as Narses had paid his devotions to the Author of victory, and the blessed Virgin, his peculiar patroness,[68] he praised, rewarded, and dismissed the Lombards. The village had been reduced to ashes by these valiant savages; they ravished matrons and virgins on the altar; their retreat was

[66] [Eleven or twelve miles: 84 stadia (Procop. *ib.* 32).]

[67] Theophanes, Chron. p. 193 [A.M. 6044, John Malalas, 18, p. 486, ed. Bonn, the source of Theophanes; and the notice is important as giving the date of the arrival of the robe—August, and so rendering it probable that the battle was fought in July]. Hist. Miscell. l. xvi. p. 208.

[68] Evagrius, l. iv. c. 24. The inspiration of the Virgin revealed to Narses the day, and the word, of battle (Paul Diacon. l. ii. c. 3, p. 776).

iligently watched by a strong detachment of regular forces, vho prevented a repetition of the like disorders. The victorious unuch pursued his march through Tuscany, accepted the ubmission of the Goths, heard the acclamations and often the omplaints of the Italians, and encompassed the walls of Rome vith the remainder of his formidable host. Round the wide ircumference, Narses assigned to himself, and to each of his eutenants, a real or a feigned attack, while he silently marked he place of easy and unguarded entrance. Neither the fortifiations of Hadrian's mole, nor of the port, could long delay the rogress of the conqueror; and Justinian once more received he keys of Rome, which, under his reign, had been *five* times aken and recovered.[69] But the deliverance of Rome was the ast calamity of the Roman people. The Barbarian allies of Narses too frequently confounded the privileges of peace and var; the despair of the flying Goths found some consolation in anguinary revenge; and three hundred youths of the noblest amilies, who had been sent as hostages beyond the Po, were nhumanly slain by the successor of Totila. The fate of the enate suggests an awful lesson of the vicissitude of human ffairs. Of the senators whom Totila had banished from their ountry, some were rescued by an officer of Belisarius and ransported from Campania to Sicily; while others were too uilty to confide in the clemency of Justinian, or too poor to rovide horses for their escape to the sea-shore. Their brethren anguished five years in a state of indigence and exile; the ictory of Narses revived their hopes; but their premature eturn to the metropolis was prevented by the furious Goths, nd all the fortresses of Campania were stained with patrician[70] lood. After a period of thirteen centuries, the institution of omulus expired; and, if the nobles of Rome still assumed he title of senators, few subsequent traces can be discovered of public council or constitutional order. Ascend six hundred ears, and contemplate the kings of the earth soliciting an udience as the slaves or freedmen of the Roman senate![71]

[69] Ἐπι τούτου βασιλεύοντος τὸ πέμπτον ἑάλω. In the year 536 by Belisarius, in 46 by Totila, in 547 by Belisarius, in 549 by Totila, and in 552 by Narses. Malretus had inadvertently translated *sextum;* a mistake which he afterwards retracts: ut the mischief was done; and Cousin, with a train of French and Latin readers, ave fallen into the snare.

[70] Compare two passages of Procopius (l. iii. c. 26; l. iv. c. 24), which, with ome collateral hints from Marcellinus and Jornandes, illustrate the state of the xpiring senate.

[71] See, in the example of Prusias, as it is delivered in the fragments of Polybius Excerpt. Legat. xcvii. p. 927, 928 [Bk. xxx., 16]), a curious picture of a royal slave.

Defeat and death of Teias, the last king of the Goths. A.D. 553, March

The Gothic war was yet alive. The bravest of the nati retired beyond the Po; and Teias was unanimously chosen succeed and revenge their departed hero. The new king in mediately sent ambassadors to implore, or rather to purchas the aid of the Franks, and nobly lavished for the public safe the riches which had been deposited in the palace of Pavi The residue of the royal treasure was guarded by his broth Aligern at Cumæ in Campania; but the strong castle whic Totila had fortified was closely besieged by the arms of Narse From the Alps to the foot of mount Vesuvius, the Gothic kin by rapid and secret marches, advanced to the relief of h brother, eluded the vigilance of the Roman chiefs, and pitche his camp on the banks of the Sarnus or *Draco*,[72] which flows fro Nuceria into the bay of Naples. The river separated the tw [Jan. and Feb. 553 (?)] armies; sixty days were consumed in distant and fruitle combats, and Teias maintained this important post, till he w deserted by his fleet and the hope of subsistence. With relu tant steps he ascended the *Lactarian* mount, where the ph sicians of Rome, since the time of Galen, had sent their patien for the benefit of the air and the milk.[73] But the Goths soo embraced a more generous resolution: to descend the hill dismiss their horses, and to die in arms and in the possession freedom. The king marched at their head, bearing in his rig hand a lance, and an ample buckler in his left: with the one l struck dead the foremost of the assailants; with the other he r ceived the weapons which every hand was ambitious to aim again his life. After a combat of many hours, his left arm was fatigue by the weight of twelve javelins which hung from his shiel Without moving from his ground or suspending his blows, t hero called aloud on his attendants for a fresh buckler, but the moment while his side was uncovered it was pierced by mortal dart. He fell; and his head, exalted on a spear, pr claimed to the nations that the Gothic kingdom was no mor But the example of his death served only to animate t

[72] The Δράκων of Procopius (Goth. l. iv. c. 35) is evidently the Sarnus. T text is accused or altered by the rash violence of Cluverius (l. iv. c. 3, p. 115 but Camillo Pellegrini of Naples (Discorsi sopra la Campania Felice, p. 330, 3 has proved from old records, that as early as the year 822 that river was called Dracontio, or Draconcello.

[73] Galen (de Method. Medendi, l. v. apud Cluver. l. iv. c. 3, p. 1159, 1160) scribes the lofty site, pure air, and rich milk of mount Lactarius, whose medici benefits were equally known and sought in the time of Symmachus (l. vi. epist. 18 ed. Seeck) and Cassiodorius (Var. xi. 10). Nothing is now left except the na of the town *Lettere*.

mpanions who had sworn to perish with their leader. They ught till darkness descended on the earth. They reposed on eir arms. The combat was renewed with the return of light, d maintained with unabated vigour till the evening of the cond day. The repose of a second night, the want of water, d the loss of their bravest champions, determined the surving Goths to accept the fair capitulation which the prudence Narses was inclined to propose. They embraced the alterative of residing in Italy as the subjects and soldiers of stinian, or departing with a portion of their private wealth, search of some independent country.[74] Yet the oath of delity or exile was alike rejected by one thousand Goths, who oke away before the treaty was signed, and boldly effected eir retreat to the walls of Pavia. The spirit as well as the tuation of Aligern prompted him to imitate rather than to ewail his brother: a strong and dexterous archer, he transerced with a single arrow the armour and breast of his ntagonist; and his military conduct defended Cumæ[75] above a ear against the forces of the Romans. Their industry had ooped the Sibyll's cave[76] into a prodigious mine; combustible aterials were introduced to consume the temporary props; e wall and the gate of Cumæ sunk into the cavern, but the ins formed a deep and inaccessible precipice. On the fragent of a rock Aligern stood alone and unshaken, till he calmly rveyed the hopeless condition of his country, and judged it ore honourable to be the friend of Narses than the slave of e Franks.[77] After the death of Teias, the Roman general parated his troops to reduce the cities of Italy; Lucca susined a long and vigorous siege; and such was the humanity

[74] Buat (tom. xi. p. 2, &c.) conveys to his favourite Bavaria this remnant of ths, who by others are buried in the mountains of Uri, or restored to their tive isle of Gothland (Mascou, Annot. xxi.).

[75] I leave Scaliger (Animadvers. in Euseb. p. 59) and Salmasius (Exercitat. man. p. 51, 52) to quarrel about the origin of Cumæ, the oldest of the Greek onies in Italy (Strab. l. v. p. 372 [4, § 4]. Velleius Paterculus, l. i. c. 4), already cant in Juvenal's time (Satir. iii.), and now in ruins.

[76] Agathias (l. i. c. [*leg.* p.] 21 [c. 10]) settles the Sibyll's cave under the wall of mæ; he agrees with Servius (ad l. vi. Æneid.); nor can I perceive why their opinion uld be rejected by Heyne, the excellent editor of Virgil (tom. ii. p. 650, 651). In e mediâ secreta religio! But Cumæ was not yet built; and the lines (l. vi. 96, would become ridiculous, if Æneas were actually in a Greek city. [Cp. Beloch, mpanien, p. 160. There is no reason to suppose that the cave which is now wn as the Sibyl's grotto, south of L. Avernus, had any ancient tradition assoted with it.]

[77] [The surrender of Cumæ was subsequent to that of Lucca.]

or the prudence of Narses that the repeated perfidy of th inhabitants could not provoke him to exact the forfeit lives their hostages. These hostages were dismissed in safety; an their grateful zeal at length subdued the obstinacy of the countrymen.[78]

Invasion of Italy by the Franks and Alemanni. A.D. 553, August

Before Lucca had surrendered, Italy was overwhelmed by new deluge of Barbarians. A feeble youth, the grandson Clovis, reigned over the Austrasians or oriental Franks.[79] Th guardians of Theodebald entertained with coldness and relu tance the magnificent promises of the Gothic ambassadors. B the spirit of a martial people outstripped the timid counsels

[Leutharis]

the court: two brothers, Lothaire and Buccelin,[80] the dukes the Alemanni, stood forth as the leaders of the Italian wa and seventy-five thousand Germans descended in the autum from the Rhætian Alps into the plain of Milan. The vangua of the Roman army was stationed near the Po, under the co duct of Fulcaris, a bold Herulian, who rashly conceived th personal bravery was the sole duty and merit of a commande As he marched without order or precaution along the Æmili way, an ambuscade of Franks suddenly rose from the amph theatre of Parma; his troops were surprised and routed; b their leader refused to fly, declaring to the last moment th death was less terrible than the angry countenance of Narses The death of Fulcaris, and the retreat of the surviving chie decided the fluctuating and rebellious temper of the Goth they flew to the standard of their deliverers, and admitt them into the cities which still resisted the arms of the Rom general. The conqueror of Italy opened a free passage to t irresistible torrent of Barbarians. They passed under the wa of Cesena, and answered by threats and reproaches the advi of Aligern[82] that the Gothic treasures could no longer repay t labour of an invasion. Two thousand Franks were destroy

[78] There is some difficulty in connecting the 35th chapter of the ivth book of Gothic war of Procopius with the first book of the history of Agathias. We m now relinquish a statesman and soldier, to attend the footsteps of a poet rhetorician (l. i. p. 11; l. ii. p. 51, edit. Louvre). [Procopius ends in Mar and Agathias begins in April with the 27th year of Justinian.]

[79] [Theudebald had succeeded Theudebert in A.D. 548.]

[80] Among the fabulous exploits of Buccelin, he discomfited and slew Belisar subdued Italy and *Sicily*, &c. See in the historians of France, Gregory of To (tom. ii. l. iii. c. 32, p. 203), and Aimoin (tom. iii. l. ii. de Gestis Francorum, c. p. 59).

[81] [Agathias says, the speech of Narses.]

[82] [Who after the capitulation of Cumæ was appointed governor of Cesena.]

the skill and valour of Narses himself, who sallied from mini at the head of three hundred horse, to chastise the entious rapine of their march. On the confines of Samnium e two brothers divided their forces. With the right wing, iccelin assumed the spoil of Campania, Lucania, and Brut- im; with the left, Lothaire accepted the plunder of Apulia d Calabria. They followed the coast of the Mediterranean d the Hadriatic, as far as Rhegium and Otranto, and the treme lands of Italy were the term of their destructive pro- ess. The Franks, who were Christians and Catholics, con- nted themselves with simple pillage and occasional murder. ut the churches, which their piety had spared, were stripped the sacrilegious hands of the Alemanni, who sacrificed horses' ads to their native deities of the woods and rivers;[83] they elted or profaned the consecrated vessels, and the ruins of rines and altars were stained with the blood of the faithful. iccelin was actuated by ambition, and Lothaire by avarice. ie former aspired to restore the Gothic kingdom; the latter, ter a promise to his brother of speedy succours, returned by e same road to deposit his treasure beyond the Alps. The rength of their armies was already wasted by the change of mate and contagion of disease; the Germans revelled in the ntage of Italy; and their own intemperance avenged in some gree the miseries of a defenceless people.

Defeat of the Franks and Alamanni by Narses. A.D. 554

At the entrance of the spring, the Imperial troops, who had arded the cities, assembled to the number of eighteen ousand men, in the neighbourhood of Rome. Their winter urs had not been consumed in idleness. By the command, d after the example, of Narses they repeated each day their ilitary exercise on foot and on horseback, accustomed their r to obey the sound of the trumpet, and practised the steps d evolutions of the Pyrrhic dance. From the straits of cily, Buccelin, with thirty thousand Franks and Alemanni, wly moved towards Capua, occupied with a wooden tower e bridge of Casilinum,[84] covered his right by the stream of e Vulturnus, and secured the rest of his encampment by a mpart of sharp stakes and a circle of waggons, whose wheels

[83] Agathias notices their superstition in a philosophic tone (l. i. p. 18 [c. F.]). At g, in Switzerland, idolatry still prevailed in the year 613: St. Columban and St. ll were the Apostles of that rude country; and the latter founded an hermitage, ich has swelled into an ecclesiastical principality and a populous city, the seat of edom and commerce.

[84] [Casilinum, on the Vulturnus, is the modern Capua; the ancient Capua, out 3 miles distant, is now S. Maria di Capua Vetere.]

were buried in the earth. He impatiently expected the retur
of Lothaire; ignorant, alas! that his brother could never return
and that the chief and his army had been swept away by
[Garda] strange disease [85] on the banks of the lake Benacus, betwee
Trent and Verona. The banners of Narses soon approached th
Vulturnus, and the eyes of Italy were anxiously fixed on th
event of this final contest. Perhaps the talents of the Roma
general were most conspicuous in the calm operations which pr
cede the tumult of a battle. His skilful movements intercepte
the subsistence of the Barbarian, deprived him of the advantag
of the bridge and river, and, in the choice of the ground an
moment of action, reduced him to comply with the inclinatio
of his enemy. On the morning of the important day, when th
ranks were already formed, a servant, for some trivial fault, wa
killed by his master, one of the leaders of the Heruli. Th
justice or passion of Narses was awakened: he summoned th
offender to his presence, and, without listening to his excuse
gave the signal to the minister of death. If the cruel maste
had not infringed the laws of his nation, this arbitrary executio
was not less unjust than it appears to have been imprudent
The Heruli felt the indignity; they halted; but the Roma
general, without soothing their rage or expecting their resolu
tion, called aloud, as the trumpets sounded, that, unless the
hastened to occupy their place, they would lose the honour o
the victory. His troops were disposed [86] in a long front, th
cavalry on the wings; in the centre, the heavy-armed foot; th
archers and slingers in the rear. The Germans advanced in
sharp-pointed column, of the form of a triangle or solid wedg
They pierced the feeble centre of Narses, who received the
with a smile into the fatal snare and directed his wings o
cavalry insensibly to wheel on their flanks and encompass the
rear. The host of the Franks and Alamanni consisted of in
fantry: a sword and buckler hung by their side, and they use
as their weapons of offence a weighty hatchet and a hooke
javelin, which were only formidable in close combat or at
short distance. The flower of the Roman archers on horseback

[85] See the death of Lothaire in Agathias (l. ii. p. 38 [c. 3]), and Paul Warnefri
surnamed Diaconus (l. ii. c. 3 [*leg.* 2], 775). The Greek makes him rave an
tear his flesh. He had plundered churches. [Leuthar's troops had previous
been surprised and defeated near Fano.]

[86] Père Daniel (Hist. de la Milice Françoise, tom. i. p. 17-21) has exhibited
fanciful representation of this battle, somewhat in the manner of the Chevali
Folard, the once famous editor of Polybius, who fashioned to his own habits an
opinions all the military operations of antiquity.

nd in complete armour, skirmished without peril round this nmoveable phalanx; supplied by active speed the deficiency of umber; and aimed their arrows against a crowd of Barbarians, ho, instead of a cuirass and helmet, were covered by a loose arment of fur or linen. They paused, they trembled, their nks were confounded, and in the decisive moment the Heruli, referring glory to revenge, charged with rapid violence the ead of the column. Their leader, Sindbal, and Aligern, the othic prince, deserved the prize of superior valour; and their xample incited the victorious troops to achieve with swords nd spears the destruction of the enemy. Buccelin and the reatest part of his army perished on the field of battle, in the aters of the Vulturnus, or by the hands of the enraged peasants; ut it may seem incredible that a victory,[87] which no more than ve of the Alamanni survived, could be purchased with the ss of fourscore Romans. Seven thousand Goths, the relics of ne war, defended the fortress of Campsa till the ensuing spring; nd every messenger of Narses announced the reduction of the talian cities, whose names were corrupted by the ignorance or anity of the Greeks.[88] After the battle of Casilinum, Narses ntered the capital; the arms and treasures of the Goths, the ranks, and the Alamanni, were displayed; his soldiers, with garnds in their hands, chanted the praises of the conqueror; and ome, for the last time, beheld the semblance of a triumph.

Settlement of Italy. A.D 554-568

After a reign of sixty years, the throne of the Gothic kings as filled by the Exarchs of Ravenna, the representatives in eace and war of the emperor of the Romans. Their jurisiction was soon reduced to the limits of a narrow province; ut Narses himself, the first and most powerful of the Exarchs,[89] dministered above fifteen years the entire kingdom of Italy. ike Belisarius, he had deserved the honours of envy, calumny, nd disgrace; but the favourite eunuch still enjoyed the conlence of Justinian, or the leader of a victorious army awed

[87] Agathias (l. ii. p. 47 [c. 10]) has produced a Greek epigram of six lines on this story of Narses, which is favourably compared to the battles of Marathon and Platæa. The chief difference is indeed in their consequences—so trivial in the former instance—so permanent and glorious in the latter.

[88] The Beroia and Brincas of Theophanes or his transcriber (p. 201) must be read or understood Verona and Brixia. [This notice of Theophanes is taken from Malalas, p. 492, ed. Bonn. The news reached Constantinople in November, A.D. 562.]

[89] [The title of Narses was merely Patricius. Smaragdus was (so far as our evidence shows) the first governor who bore the name exarch. See below, Appendix 19.]

and repressed the ingratitude of a timid court. Yet it was no by weak and mischievous indulgence that Narses secured the attachment of his troops. Forgetful of the past and regardless of the future, they abused the present hour of prosperity and peace. The cities of Italy resounded with the noise of drinking and dancing; the spoils of victory were wasted in sensual pleasures; and nothing (says Agathias) remained, unless to exchange their shields and helmets for the soft lute and the capacious hogshead.[90] In a manly oration not unworthy of a Roman censor, the eunuch reproved these disorderly vices which sullied their fame and endangered their safety. The soldiers blushed and obeyed; discipline was confirmed, the fortifications were restored; a *duke* was stationed for the defence and military command of each of the principal cities;[91] and the eye of Narses pervaded the ample prospect from Calabria to the Alps. The remains of the Gothic nation evacuated the country or mingled with the people; the Franks, instead of revenging the death of Buccelin, abandoned, without a struggle, their Italian conquests; and the rebellious Sindbal, chief of the
[A.D. 565] Heruli, was subdued, taken, and hung on a lofty gallows by the inflexible justice of the Exarch.[92] The civil state of Italy after the agitation of a long tempest, was fixed by a pragmatic sanction, which the emperor promulgated at the request of the pope. Justinian introduced his own jurisprudence into the schools and tribunals of the West; he ratified the acts of Theodoric and his immediate successors; but every deed was rescinded and abolished, which force had extorted, or fear had subscribed, under the usurpation of Totila. A moderate theory was framed to reconcile the rights of property with the safety of prescription, the claims of the state with the poverty of the people, and the pardon of offences with the interest of virtue and order of society. Under the Exarchs of Ravenna, Rome was degraded to the second rank. Yet the senators were

[90] Ἔλειπετο γὰρ οἶμαι, αὐτοῖς ὑπὸ ἀβελτερίας τὰς ἀσπίδας τυχὸν καὶ τὰ κράνη ἀμφορέως οἴνου ἢ καὶ βαρβίτου ἀποδόσθαι (Agathias, l. ii. p. 48 [c. 11]). In the first scene of Richard III. our English poet has beautifully enlarged on this idea, for which however, he was not indebted to the Byzantine historian.

[91] Maffei has proved (Verona Illustrata, P. i. l. x. p. 257, 289), against the common opinion, that the dukes of Italy were instituted before the conquest of the Lombards by Narses himself. In the Pragmatic Sanction (No. 23), Justinian restrains the judices militares. [For the duces or magistri militum in Italy, see below, vol. v., Appendix.]

[92] See Paulus Diaconus, l. iii. c. 2, p. 776. [See Marius Aventicensis, in Chron. Min. 2, p. 238, A.D. 566.] Menander (in Excerpt. Legat. p. 133 [fr. 8, ed. Müller]) mentions some risings in Italy by the Franks, and Theophanes (p. 201) hints at some Gothic rebellions.

atified by the permission of visiting their estates in Italy, d of approaching without obstacle the throne of Constantiple; the regulation of weights and measures was delegated the pope and senate; and the salaries of lawyers and phyians, of orators and grammarians, were destined to preserve rekindle the light of science in the ancient capital. Justinian ight dictate benevolent edicts,[93] and Narses might second his shes by the restoration of cities and more especially of urches. But the power of kings is most effectual to destroy; d the twenty years of the Gothic war had consummated the stress and depopulation of Italy. As early as the fourth camign, under the discipline of Belisarius himself, fifty thousand bourers died of hunger[94] in the narrow region of Picenum;[95] d a strict interpretation of the evidence of Procopius would ell the loss of Italy above the total sum of her present inbitants.[96]

I desire to believe, but I dare not affirm, that Belisarius ncerely rejoiced in the triumph of Narses. Yet the conciousness of his own exploits might teach him to esteem thout jealousy the merit of a rival; and the repose of the ed[97] warrior was crowned by a last victory which saved the mperor and the capital. The Barbarians who annually visited e provinces of Europe were less discouraged by some accintal defeats than they were excited by the double hope of oil and of subsidy. In the thirty-second winter of Justinian's ign, the Danube was deeply frozen: Zabergan led the cavalry

Invasion of the Bulgarians [Cotrigurs]. A.D. 559 [558-9]

[93] The Pragmatic Sanction of Justinian, which restores and regulates the civil te of Italy, consists of xxvii. articles: it is dated August 15, A.D. 554; is adssed to Narses, V. J. Præpositus Sacri Cubiculi, and to Antiochus, Præfectus etorio Italiæ; and has been preserved by Julian Antecessor, and in the Corpus is Civilis, after the novels and edicts of Justinian, Justin, and Tiberius. [Novel , ed. Zachariä.]

[94] A still greater number was consumed by famine in the southern provinces os the Ionian gulf. Acorns were used in the place of bread. Procopius had n a deserted orphan suckled by a she-goat. Seventeen passengers were lodged, rdered, and eaten by two women, who were detected and slain by the eighteenth,

[95] Quinta regio Piceni est; quondam uberrimæ multitudinis, cccIx. millia entium in fidem P. R. venere (Plin. Hist. Natur. iii. 18). In the time of spasian, this ancient population was already diminished.

[96] Perhaps fifteen or sixteen millions. Procopius (Anecdot. c. 18) computes that ica lost five millions, that Italy was thrice as extensive, and that the depopuon was in a larger proportion. But his reckoning is inflamed by passion, and uded with uncertainty.

[97] [His age can hardly have exceeded 55 years, in A.D. 559; for he was νήπυς in A.D. 526.]

of the Bulgarians,[98] and his standard was followed by a promiscuous multitude of Sclavonians. The savage chief passed, without opposition, the river and the mountains, spread his troops over Macedonia and Thrace, and advanced with no more than seven thousand horse to the long walls which should have defended the territory of Constantinople. But the works of man are impotent against the assaults of nature: a recent earthquake had shaken the foundations of the wall; and the forces of the empire were employed on the distant frontiers of Italy, Africa, and Persia. The seven *schools*,[99] or companies, of the guards or domestic troops had been augmented to the number of five thousand five hundred men, whose ordinary station was in the peaceful cities of Asia. But the places of the brave Armenians were insensibly supplied by lazy citizens, who purchased an exemption from the duties of civil life, without being exposed to the dangers of military service. Of such soldiers, few could be tempted to sally from the gates; and none could be persuaded to remain in the field, unless they wanted strength and speed to escape from the Bulgarians. The report of the fugitives exaggerated the numbers and fierceness of an enemy who had polluted holy virgins and abandoned new-born infants to the dogs and vultures; a crowd of rustics, imploring food and protection, increased the consternation of the city; and the tents of Zabergan were pitched at the distance of twenty miles,[100] on the banks of a small river, which encircles Melanthias, and afterwards falls into the Propontis.[101] Justinian trembled; and those who had only seen the emperor in his old age were pleased to suppose that he had *lost* the alacrity and vigour of his youth. By his command the vessels of gold and silver were removed from the churches in the neighbourhood, and even the suburbs, of Constantinople; the

[98] [The Cotrigurs, see Appendix 15.]

[99] In the decay of these military schools, the satire of Procopius (Anecdot. c. 24. Aleman. p. 102, 103) is confirmed and illustrated by Agathias (l. v. p. 159 [c. 15]), who cannot be rejected as an hostile witness.

[100] The distance from Constantinople to Melanthias, Villa Cæsariana (Ammian. Marcellin. xxx. [*leg.* xxxi.] 11), is variously fixed at 102 or 140 stadia (Suidas, tom. ii. p. 522, 523; Agathias, l. v. p. 158 [c. 14]), or xviii. or xix. miles (Itineraria, p. 138, 230, 323, 332, and Wesseling's Observations). The first xii. miles, as far as Rhegium, were paved by Justinian, who built a bridge over a morass or gullet between a lake and the sea (Procop. de Ædif. l. iv. c. 8). [Melantias (Buyuk Tschekmadge, "Great Bridge") is 18 miles from Constantinople on the road to Hadrianople.]

[101] The Atyras (Pompon. Mela, l. ii. c. 2, p. 169, edit. Voss.). At the river's mouth, a town or castle of the same name was fortified by Justinian (Procop. de Ædif. l. iv. c. 2; Itinerar. p. 570, and Wesseling).

ramparts were lined with trembling spectators; the golden gate was crowded with useless generals and tribunes, and the senate shared the fatigues and the apprehensions of the populace.

Last victory of Belisarius

But the eyes of the prince and people were directed to a feeble veteran, who was compelled by the public danger to resume the armour in which he had entered Carthage and defended Rome. The horses of the royal stables, of private citizens, and even of the circus, were hastily collected; the emulation of the old and young was roused by the name of Belisarius, and his first encampment was in the presence of a victorious enemy. His prudence, and the labour of the friendly peasants, secured, with a ditch and rampart, the repose of the night; innumerable fires and clouds of dust were artfully contrived to magnify the opinion of his strength; his soldiers suddenly passed from despondency to presumption; and, while ten thousand voices demanded the battle, Belisarius dissembled his knowledge that in the hour of trial he must depend on the firmness of three hundred veterans. The next morning the Bulgarian cavalry advanced to the charge. But they heard the shouts of multitudes, they beheld the arms and discipline of the front; they were assaulted on the flanks by two ambuscades which rose from the woods; their foremost warriors fell by the hand of the aged hero and his guards; and the swiftness of their evolutions was rendered useless by the close attack and rapid pursuit of the Romans. In this action (so speedy was their flight) the Bulgarians lost only four hundred horse; but Constantinople was saved; and Zabergan, who felt the hand of a master, withdrew to a respectful distance. But his friends were numerous in the council of the emperor, and Belisarius obeyed with reluctance the commands of envy and Justinian, which forbade him to achieve the deliverance of his country. On his return to the city, the people, still conscious of their danger, accompanied his triumph with acclamations of joy and gratitude, which were imputed as a crime to the victorious general. But, when he entered the palace, the courtiers were silent, and the emperor, after a cold and thankless embrace, dismissed him to mingle with the train of slaves. Yet so deep was the impression of his glory on the minds of men that Justinian, in the seventy-seventh year of his age, was encouraged to advance near forty miles from the capital, and to inspect in person the restoration of the long wall. The Bulgarians wasted the summer in the plains of Thrace; but they

were inclined to peace by the failure of their rash attempts on Greece and the Chersonesus. A menace of killing their prisoners quickened the payment of heavy ransoms; and the departure of Zabergan was hastened by the report that double-prowed vessels were built on the Danube to intercept his passage. The danger was soon forgotten; and a vain question, whether their sovereign had shewn more wisdom or weakness, amused the idleness of the city.[102]

His disgrace and death. A.D. 561

About two years after the last victory of Belisarius, the emperor returned from a Thracian journey of health, or business, or devotion. Justinian was afflicted by a pain in his head; and his private entry countenanced the rumour of his death. Before the third hour of the day, the bakers' shops were plundered of their bread, the houses were shut, and every citizen, with hope or terror, prepared for the impending tumult. The senators themselves, fearful and suspicious, were convened at the ninth hour; and the præfect received their commands to visit every quarter of the city, and proclaim a general illumination for the recovery of the emperor's health. The ferment subsided; but every accident betrayed the impotence of the government and the factious temper of the people; the guards were disposed to mutiny as often as their quarters were changed or their pay was withheld; the frequent calamities of fires and earthquakes afforded the opportunities of disorder; the disputes of the blues and greens, of the orthodox and heretics, degenerated into bloody battles; and in the presence of the Persian ambassador Justinian blushed for himself and for his subjects. Capricious pardon and arbitrary punishment embittered the irksomeness and discontent of a long reign; a conspiracy was formed in the palace; and, unless we are deceived by the names of Marcellus and Sergius,[103] the most virtuous and the most profligate of the courtiers were associated in the same designs. They had fixed the time of the execution; their rank gave them access to the royal banquet; and their black slaves[104] were stationed in the vestibule and porticos, to

[102] The Bulgarian war and the last victory of Belisarius are imperfectly represented in the prolix declamation of Agathias (l. v. p. 154-174 [c. 11-25]) and the dry Chronicle of Theophanes (p. 197, 198 [A.M. 6051]).

[103] [This Sergius must be distinguished from the magister militum whom the Cotrigurs captured.]

[104] Ἰνδούς. They could scarcely be real Indians; and the Æthiopians, sometimes known by that name, were never used by the ancients as guards or followers; they were the trifling, though costly, objects of female and royal luxury (Terent. Eunuch. act i. scene ii. Sueton. in August. c. 83, with a good note of Casaubon, in Caligulâ, c. 57).

announce the death of the tyrant and to excite a sedition in the capital. But the indiscretion of an accomplice saved the poor remnant of the days of Justinian. The conspirators were detected and seized, with daggers hidden under their garments: Marcellus died by his own hand, and Sergius was dragged from the sanctuary.[105] Pressed by remorse or tempted by the hopes of safety, he accused two officers of the household of Belisarius; and torture forced them to declare that they had acted according to the secret instructions of their patron.[106] Posterity will not hastily believe that an hero, who, in the vigour of life, had disdained the fairest offers of ambition and revenge, should stoop to the murder of his prince, whom he could not long expect to survive. His followers were impatient to fly; but flight must have been supported by rebellion, and he had lived enough for nature and for glory. Belisarius appeared before the council with less fear than indignation; after forty years' service, the emperor had prejudged his guilt; and injustice was sanctified by the presence and authority of the patriarch. The life of Belisarius was graciously spared; but his fortunes were sequestered, and from December to July he was guarded as a prisoner in his own palace. At length his innocence was acknowledged; his freedom and honours were restored; and death, which might be hastened by resentment and grief, removed him from the world about eight months after his deliverance. The name of Belisarius can never die; but, instead of the funeral, the monuments, the statues, so justly due to his memory, I only read that his treasures, the spoils of the Goths and Vandals, were immediately confiscated by the emperor. Some decent portion was reserved, however, for the use of his widow; and, as Antonina had much to repent, she devoted the last remains of her life and fortune to the foundation of a convent.[107] Such is the simple and genuine narrative of the fall of Belisarius and the ingratitude of Justinian.[108] That he

A.D. 563, Dec. 5

A.D. 564, July 19

A.D. 565, March 13

[105] The [? *leg.* this] Sergius (Vandal. l. ii. c. 21, 22; Anecdot. c. 5) and Marcellus (Goth. l. iii. c. 32) are mentioned by Procopius. See Theophanes, p. 197, 201 [A.M. 6051, 6055].

[106] Alemannus (p. 3) quotes an old Byzantine Ms. which has been printed in the Imperium Orientale of Banduri.

[107] [For the last days of Antonina, the source is the anonymous Antiq. Const., in Banduri, Imp. Or. i. p. 37.]

[108] Of the disgrace and restoration of Belisarius, the genuine original record is preserved in the fragment of John Malala (tom. ii. p. 234-[*leg.* 239]243 [493-5]) and the exact Chronicle of Theophanes (p. 194-204 [A.M. 6055]). Cedrenus (Compend. p. 387, 388) and Zonaras (tom. ii. l. xiv. p. 69 [c. 9]) seem to hesitate between the obsolete truth and the growing falsehood. [The statement of Zonaras shows no sign of the growing falsehood.]

was deprived of his eyes, and reduced by envy to beg his bread. "Give a penny to Belisarius the general!" is a fiction of later times,[109] which has obtained credit, or rather favour, as a strange example of the vicissitudes of fortune.[110]

Death and character of Justinian. A.D. 565, Nov. 14

If the emperor could rejoice in the death of Belisarius, he enjoyed the base satisfaction only eight months, the last period of a reign of thirty-eight and a life of eight-three years. It would be difficult to trace the character of a prince who is not the most conspicuous object of his own times; but the confessions of an enemy may be received as the safest evidence of his virtues. The resemblance of Justinian to the bust of Domitian is maliciously urged;[111] with the acknowledgment, however, of a well-proportioned figure, a ruddy complexion,

[109] The source of this idle fable may be derived from a miscellaneous work of the xiith century, the Chiliads of John Tzetzes, a monk (Basil, 1546, ad calcem Lycophront, Colon. Allobrog. 1614 in Corp. Poet. Græc.). [Tzetzes was not a monk.] He relates the blindness and beggary of Belisarius in ten vulgar or political verses (Chiliad iii. No. 88, 339-348, in Corp. Poet. Græc. tom. ii. p. 311).

Ἔκπωμα ξύλινον κρατῶν ἐβόα τῷ μιλίῳ
βελισαρίῳ ὀβολὸν δότε τῷ στρατηλάτῃ
Ὃν τύχη μὲν ἐδόξασεν, ἀποτυφλοῖ δ' ὁ φθόνος.

This moral or romantic tale was imported into Italy with the language and manuscripts of Greece; repeated before the end of the xvth century by Crinitus, Pontanus, and Volaterranus; attacked by Alciat, for the honour of the law; and defended by Baronius (A.D. 561, No. 2, &c.) for the honour of the church. Yet Tzetzes himself had read in *other* chronicles that Belisarius did not lose his sight and that he recovered his fame and fortunes. [The myth appears earlier than Tzetzes in the Πάτρια τῆς πόλεως, which goes under the name of Codinus (ed. Bonn, p. 29) and was compiled in the time of Basil II. It was wrought into a political romance in the 14th or 15th century, and we possess it in three forms, of which the oldest is published by Wagner in his Mediæval Greek Texts (in unrhymed political verses); the second, by the Rhodian poet Georgillas (printed by A. Giles at Oxford, 1643), breaks into rhyme near the end (Georgillas represents the transition from rhymeless to rhymed verses); the third in rhyme (printed at Venice in 1548). See Krumbacher, Gesch. der byz. Litteratur, ed. 2, p. 825-7. It should be noted that John of Cappadocia ended his days in beggary (Procopius, B. P. i. 23). But more important for the origin of the Belisarius legend (as Finlay pointed out) is the story of Symbatios, in the ninth century. Blinded of one eye, he was placed in front of the palace of Lausus, with a plate on his knees, as a beggar, and in this plight displayed to the public for three days. See George Mon., p. 834 (ed. Bonn); Finlay, Hist. of Greece, vol. i. App. 2, and vol. ii. p. 194.]

[110] The statue in the villa Borghese at Rome, in a sitting posture, with an open hand, which is vulgarly given to Belisarius, may be ascribed with more dignity to Augustus in the act of propitiating Nemesis (Winckelman, Hist. de l'Art, tom. iii. p. 266). Ex nocturno visu etiam stipem, quotannis, die certo, emendicabat a populo, cavam manum asses porrigentibus præbens (Sueton. in August. c. 91, with an excellent note of Casaubon). [The statue is now in the Louvre.]

[111] The *rubor* of Domitian is stigmatized, quaintly enough, by the pen of Tacitus (in Vit. Agricol. c. 45); and has been likewise noticed by the younger Pliny (Panegyr. c. 48), and Suetonius (in Domitian. c. 18, and Casaubon ad locum). Procopius (Anecdot. c. 8) foolishly believes that only *one* bust of Domitian had reached the vith century.

nd a pleasing countenance. The emperor was easy of access, atient of hearing, courteous and affable in discourse, and a naster of the angry passions, which rage with such destruc- ive violence in the breast of a despot. Procopius praises his emper, to reproach him with calm and deliberate cruelty; but, n the conspiracies which attacked his authority and person, more candid judge will approve the justice or admire the lemency of Justinian. He excelled in the private virtues of hastity and temperance; but the impartial love of beauty would have been less mischievous than his conjugal tender- ness for Theodora; and his abstemious diet was regulated, not by the prudence of a philosopher, but the superstition of a monk. His repasts were short and frugal: on solemn fasts, he contented himself with water and vegetables; and such was his strength, as well as fervour, that he frequently passed two days and as many nights without tasting any food. The measure of his sleep was not less rigorous: after the repose of a single hour, the body was awakened by the soul, and, to the astonishment of his chamberlains, Justinian walked or studied till the morning light. Such restless application prolonged his time for the acquisition of knowledge[112] and the dispatch of business; and he might seriously deserve the reproach of con- founding, by minute and preposterous diligence, the general order of his administration. The emperor professed himself a musician and architect, a poet and philosopher, a lawyer and theologian; and, if he failed in the enterprise of reconciling the Christian sects, the review of the Roman jurisprudence is a noble monument of his spirit and industry. In the govern- ment of the empire, he was less wise or less successful; the age was unfortunate; the people was oppressed and discontented; Theodora abused her power; a succession of bad ministers dis- graced his judgment; and Justinian was neither beloved in his life nor regretted at his death. The love of fame was deeply implanted in his breast, but he condescended to the poor ambition of titles, honours, and contemporary praise; and, while he laboured to fix the admiration, he forfeited the esteem and affection, of the Romans. The design of the African and Italian wars was boldly conceived and executed; and his pene- ration discovered the talents of Belisarius in the camp, of

[112] The studies and science of Justinian are attested by the confession (Anecdot. . 8, 13), still more than by the praises (Gothic. l. iii. c. 31, de Ædific. l. i. Proem. . 7) of Procopius. Consult the copious index of Alemannus, and read the Life f Justinian by Ludewig (p. 135-142).

Narses in the palace. But the name of the emperor is eclipsed by the names of his victorious generals; and Belisarius still lives, to upbraid the envy and ingratitude of his sovereign. The partial favour of mankind applauds the genius of a conqueror, who leads and directs his subjects in the exercise of arms. The characters of Philip the Second and of Justinian are distinguished by the cold ambition which delights in war and declines the dangers of the field. Yet a colossal statue of bronze represented the emperor on horseback, preparing to march against the Persians in the habit and armour of Achilles. In the great square before the church of St. Sophia, this monument was raised on a brass column and a stone pedestal of seven steps; and the pillar of Theodosius, which weighed seven thousand four hundred pounds of silver, was removed from the same place by the avarice and vanity of Justinian. Future princes were more just or indulgent to *his* memory; the elder Andronicus, in the beginning of the fourteenth century, repaired and beautified his equestrian statue; since the fall of the empire, it has been melted into cannon by the victorious Turks.[113]

I shall conclude this chapter with the comets, the earthquakes, and the plague, which astonished or afflicted the age of Justinian.

Comets. A.D. 531-539

I. In the fifth year of his reign, and in the month of September, a comet[114] was seen during twenty days in the western [A.D. 530] quarter of the heavens, and which shot its rays into the north. Eight years afterwards, while the sun was in Capricorn, another comet appeared to follow in the Sagittary: the size was gradually increasing; the head was in the east, the tail in the west, and it remained visible above forty days. The nations who gazed with astonishment, expected wars and calamities from the baleful influence; and these expectations were abundantly fulfilled. The astronomers dissembled their ignorance of the nature of these blazing stars, which they affected to represent as the floating meteors of the air; and few among them

[113] See in the C. P. Christiana of Ducange (l. i. c. 24, No. 1) a chain of original testimonies, from Procopius in the vith, to Gyllius in the xvith, century. [For a drawing of the statue, made in A.D. 1340, in a Ms. in the library of the Seraglio, see Mordtmann, *Constantinople*, p. 65; and for an inscription which may belong to it, *ib.*, p. 55.]

[114] The first comet is mentioned by John Malala (tom. ii. p. 190, 219 [454-477, ed. Bonn]) and Theophanes (p. 154 [A.M. 6023]); the second by Procopius (Persic. l. ii. c. 4). Yet I strongly suspect their identity. The paleness of the sun (Vandal. l. c. ii. 14) is applied by Theophanes (p. 158) to a different year [A.M. 6024 = A.D. 531-2].

mbraced the simple notion of Seneca and the Chaldæans, that hey are only planets of a longer period and more eccentric notion.[115] Time and science have justified the conjectures and predictions of the Roman sage; the telescope has opened new worlds to the eyes of astronomers;[116] and, in the narrow space of history and fable, one and the same comet is already found to have revisited the earth in *seven* equal revolutions of five hundred and seventy-five years. The *first*,[117] which ascends beyond the Christian era one thousand seven hundred and sixty-seven years, is coeval with Ogyges the father of Grecian antiquity. And this appearance explains the tradition which Varro has preserved, that under his reign the planet Venus changed her colour, size, figure, and course: a prodigy without example either in past or succeeding ages.[118] The *second* visit, in the year eleven hundred and ninety-three, is darkly implied in the fable of Electra the seventh of the Pleiads, who have been reduced to six since the time of the Trojan war. That nymph, the wife of Dardanus, was unable to support the ruin of her country; she abandoned the dances of her sister orbs, fled from the zodiac to the north pole, and obtained, from her dishevelled locks, the name of the *comet*. The *third* period expires in the year six hundred and eighteen, a date that exactly agrees with the tremendous comet of the Sibyll, and perhaps of Pliny, which arose in the west two generations before the reign of Cyrus. The *fourth* apparition, forty-four years before the birth of Christ, is of all others the most splendid and important. After the death of Cæsar, a long-haired star was conspicuous to Rome and to the nations, during the games which were exhibited by young Octavian in honour of Venus and his uncle. The vulgar opinion, that it conveyed to heaven the divine soul of the dictator, was cherished and consecrated

[115] Seneca's viith book of Natural Questions displays, in the theory of comets, a philosophic mind. Yet should we not too candidly confound a vague prediction, veniet tempus, &c. with the merit of real discoveries.

[116] Astronomers may study Newton and Halley. I draw my humble science from the article COMETE, in the French Encyclopédie, by M. d'Alembert. [See App. 20.]

[117] Whiston, the honest, pious, visionary Whiston, had fancied, for the æra of Noah's flood (2242 years before Christ), a prior apparition of the same comet which drowned the earth with its tail.

[118] A Dissertation of Fréret (Mémoires de l'Académie des Inscriptions, tom. x. p. 357-377) affords an happy union of philosophy and erudition. The phænomenon in the time of Ogyges was preserved by Varro (apud Augustin. de Civitate Dei, xxi. 8), who quotes Castor, Dion of Naples, and Adrastus of Cyzicus—nobiles mathematici. The two subsequent periods are preserved by the Greek mythologists and the spurious books of Sibylline verses.

by the piety of a statesman; while his secret superstition referred the comet to the glory of his own times.[119] The *fifth* visit has been already ascribed to the fifth year of Justinian, which coincides with the five hundred and thirty-first of the Christian æra. And it may deserve notice that in this, as in the preceding, instance the comet was followed, though at a longer interval, by a remarkable paleness of the sun. The *sixth* return, in the year eleven hundred and six, is recorded by the chronicles of Europe and China; and in the first fervour of the Crusades, the Christians and the Mahometans might surmise, with equal reason, that it portended the destruction of the Infidels. The *seventh* phænomenon of one thousand six hundred and eighty was presented to the eyes of an enlightened age.[120] The philosophy of Bayle dispelled a prejudice which Milton's muse had so recently adorned, that the comet "from its horrid hair shakes pestilence and war".[121] Its road in the heavens [Flamsteed] was observed with exquisite skill by Flamstead and Cassini; and the mathematical science of Bernoulli, Newton, and Halley, investigated the laws of its revolutions. At the *eighth* period, in the year two thousand two hundred and fifty-five, their calculations may perhaps be verified by the astronomers of some future capital in the Siberian or American wilderness.

Earthquakes II. The near approach of a comet may injure or destroy the globe which we inhabit; but the changes on its surface have been hitherto produced by the action of volcanoes and earthquakes.[122] The nature of the soil may indicate the countries most exposed to these formidable concussions, since they are caused by subterraneous fires, and such fires are kindled by the

[119] Pliny (Hist. Nat. ii. 23) has transcribed the original memorial of Augustus. Mairan, in his most ingenious letters to the P. Parennin, missionary in China, removes the games and the comet of September, from the year 44 to the year 43, before the Christian æra; but I am not totally subdued by the criticism of the astronomer (Opuscules, p. 275-351).

[120] This last comet was visible in the month of December, 1680. Bayle, who began his Pensées sur le Comète in January 1681 (Oeuvres, tom. iii.), was forced to argue that a *supernatural* comet would have confirmed the ancients in their idolatry. Bernoulli (see his *Eloge*, in Fontenelle, tom. v. p. 99) was forced to allow that the tail, though not the head, was a *sign* of the wrath of God.

[121] Paradise Lost was published in the year 1667; and the famous lines (l. ii. 708, &c.), which startled the licenser, may allude to the recent comet of 1664, observed by Cassini at Rome in the presence of queen Christina (Fontenelle in his *Eloge*, tom. v. p. 338). Had Charles II. betrayed any symptoms of curiosity or fear?

[122] For the cause of earthquakes, see Buffon (tom. i. p. 502-536. Supplément à l'Hist. Naturelle, tom. v. p. 382-390, edition in 4to), Valmont de Bomare (Dictionnaire d'Histoire Naturelle, *Tremblemens de Terre*, *Pyrites*), Watson (Chemical Essays, tom. i. p. 181-209). [R. Mallet, The First Principles of Observational Seismology, 1862.]

union and fermentation of iron and sulphur. But their times and effects appear to lie beyond the reach of human curiosity, and the philosopher will discreetly abstain from the prediction of earthquakes, till he has counted the drops of water that silently filtrate on the inflammable mineral, and measured the caverns which increase by resistance the explosion of the imprisoned air. Without assigning the cause, history will distinguish the periods in which these calamitous events have been rare or frequent, and will observe that this fever of the earth raged with uncommon violence during the reign of Justinian.[123] Each year is marked by the repetition of earthquakes, of such duration that Constantinople has been shaken above forty days; of such extent that the shock has been communicated to the whole surface of the globe, or at least of the Roman empire. An impulsive or vibratory motion was felt, enormous chasms were opened, huge and heavy bodies were discharged into the air, the sea alternately advanced and retreated beyond its ordinary bounds, and a mountain was torn from Libanus,[124] and cast into the waves, where it protected, as a mole, the new harbour of Botrys[125] in Phœnicia. The stroke that agitates an ant-hill may crush the insect myriads in the dust; yet truth must extort a confession that man has industriously laboured for his own destruction. The institution of great cities, which include a nation within the limits of a wall, almost realizes the wish of Caligula that the Roman people had but one neck. Two hundred and fifty thousand persons are said to have perished in the earthquake of Antioch, whose domestic multitudes were swelled by the conflux of strangers to the festival of the Ascension. The loss of Berytus[126] was of smaller account,

A.D. 526, May 20

A.D. 551, July 9

[123] The earthquakes that shook the Roman world in the reign of Justinian are described or mentioned by Procopius (Goth. l. iv. c. 25, Anecdot. c. 18), Agathias (l. ii. p. 52, 53, 54 [c. 15, 16]; l. v. p. 145-152 [c. 3 *sqq.*]), John Malala (Chron. tom. ii. p. 140-146, 176, 177, 183, 193, 220, 229, 231, 233, 234 [417 *sqq.*, 442-3, 448, 456, 478, 485, 487, 488-9]), and Theophanes (p. 151, 183, 189, 191-196 [A.M. 6021, 6028, 6036, 6040, 6043, 6046, 6047, 6050]).

[124] An abrupt height, a perpendicular cape between Aradus and Botrys, named by the Greeks *θεὸν [θεοῦ] πρόσωπον* and *εὐπρόσωπον* or *λιθοπρόσωπον* by the scrupulous Christians (Polyb. l. v. p. 411 [c. 68]; Pompon. Mela, l. i. c. 12, p 87, cum Isaac. Voss. Observat.; Maundrell, Journey, p. 32, 33; Pocock's Description, vol. ii. p. 99).

[125] Botrys was founded (ann. ante Christ. 935-903) by Ithobal, king of Tyre (Marsham, Canon. Chron. p. 387, 388). Its poor representative, the village of Patrone, is now destitute of an harbour.

[126] The university, splendour, and ruin of Berytus are celebrated by Heineccius (p. 351-356) as an essential part of the history of the Roman law. It was overthrown in the xxvth year of Justinian, A.D. 551, July 9 (Theophanes, p. 192 [A.M. 6043]); but Agathias (l. ii. p. 51, 52 [c. 15]) suspends the earthquake till he has achieved the Italian war.

but of much greater value. That city, on the coast of Phœnicia, was illustrated by the study of the civil law, which opened the surest road to wealth and dignity; the schools of Berytus were filled with the rising spirits of the age; and many a youth was lost in the earthquake, who might have lived to be the scourge or the guardian of his country. In these disasters, the architect becomes the enemy of mankind. The hut of a savage or the tent of an Arab may be thrown down without injury to the inhabitant; and the Peruvians had reason to deride the folly of their Spanish conquerors, who with so much cost and labour erected their own sepulchres. The rich marbles of a patrician are dashed on his own head; a whole people is buried under the ruins of public and private edifices; and the conflagration is kindled and propagated by the innumerable fires which are necessary for the subsistence and manufactures of a great city. Instead of the mutual sympathy which might comfort and assist the distressed, they dreadfully experience the vices and passions which are released from the fear of punishment: the tottering houses are pillaged by intrepid avarice; revenge embraces the moment, and selects the victim; and the earth often swallows the assassin, or the ravisher, in the consummation of their crimes. Superstition involves the present danger with invisible terrors; and, if the image of death may sometimes be subservient to the virtue or repentance of individuals, an affrighted people is more forcibly moved to expect the end of the world or to deprecate with servile homage the wrath of an avenging Deity.

Plague—its origin and nature. A.D. 542

III. Æthiopia and Egypt have been stigmatized in every age as the original source and seminary of the plague.[127] In a damp, hot, stagnating air, this African fever is generated from the putrefaction of animal substances, and especially from the swarms of locusts, not less destructive to mankind in their death than in their lives. The fatal disease which depopulated the earth in the time of Justinian and his successors[128] first

[127] I have read with pleasure Mead's short but elegant treatise, concerning Pestilential Disorders, the viiith edition, London, 1722.

[128] The great plague which raged in 542 and the following years (Pagi, Critica tom. ii. p. 518), must be traced in Procopius (Persic. l. ii. c. 22, 23), Agathias (l. v. p. 153, 154 [c. 10]), Evagrius (l. iv. c. 29), Paul Diaconus (l. ii. c. 4, p. 776, 777), Gregory of Tours (tom. ii. l. iv. c. 5, p. 205) who styles it *Lues Inguinaria*, and the Chronicle of Victor Tunnunensis (p. 9 in Thesaur. Temporum), of Marcellinus (p. 54), and of Theophanes (p. 153 [*leg.* 188; A.M. 6034]). [The plague seems to have appeared in Egypt in A.D. 541, for we must obviously read "the 15th year of Justinian" instead of "the 5th" (ιέ for ϵ) in Agathias, v. 10. Before the end of the year, the infection

appeared in the neighbourhood of Pelusium, between the Serbonian bog and the eastern channel of the Nile. From thence, tracing as it were a double path, it spread to the East, over Syria, Persia, and the Indies, and penetrated to the West, along the coast of Africa, and over the continent of Europe. In the spring of the second year, Constantinople, during three or four months, was visited by the pestilence; and Procopius, who observed its progress and symptoms with the eyes of a physician,[129] has emulated the skill and diligence of Thucydides in the description of the plague of Athens.[130] The infection was sometimes announced by the visions of a distempered fancy, and the victim despaired as soon as he had heard the menace and felt the stroke of an invisible spectre. But the greater number, in their beds, in the streets, in their usual occupation, were surprised by a slight fever; so slight, indeed, that neither the pulse nor the colour of the patient gave any signs of the approaching danger. The same, the next, or the succeeding day, it was declared by the swelling of the glands, particularly those of the groin, of the arm-pits, and under the ear; and, when these buboes or tumours were opened, they were found to contain a *coal*, or black substance, of the size of a lentil. If they came to a just swelling and suppuration, the patient was saved by this kind and natural discharge of the morbid humour. But, if they continued hard and dry, a morti-

was probably carried to Constantinople, for Theophanes says that it broke out in October, A.D. 541. But it did not begin to rage until the following year, A.D. 542—the year of the 3rd invasion of Chosroes, Procop. B. P. 2, 20; Evagrius, 4, 29; Victor Tonn. ad ann. John Malal. (ed. Bonn, p. 482) *seems* to put it in the 5th Indict. = A.D. 541-2, his notice comes between a mention of the 5th Ind. and a mention of the 7th, he does not mention the 6th. See V. Seibel, Die grosse Pest zur Zeit Justinians, 1857. The statement in the text that it penetrated into the west "along the coast of Africa" can hardly be correct. It must have reached Africa from Constantinople. The desert west of the Cyrenaica was an effectual barrier against the affection, and Corippus expressly states that the Moors escaped (Joh., 2, 388, gentes non laesit amaras Martis amica lues). The malady spread in Africa in A.D. 543. See Partsch, Procem. ad Corippum, p. xvi. xvii.]

[129] Dr. Freind (Hist. Medicin. in Opp. p. 416-420, Lond. 1733) is satisfied that Procopius must have studied physic, from his knowledge and use of the technical words. Yet many words that are now scientific were common and popular in the Greek idiom.

[130] See Thucydides, l. ii. c. 47-54, p. 127-133, edit. Duker, and the poetical description of the same plague by Lucretius (l. vi. 1136-1284). I was indebted to Dr. Hunter for an elaborate commentary on this part of Thucydides, a quarto of 600 pages (Venet. 1603, apud Juntas), which was pronounced in St. Mark's library, by Fabius Paullinus Utinensis, a physician and philosopher. [Cp. the Appendix to Powett's Notes on Thucydides, Bk. ii. (vol. ii. p. 141 *sqq.*), where this account of Gibbon and Boccaccio's narrative of the plague in 1348 are set beside the description of Thucydides.]

fication quickly ensued, and the fifth day was commonly the term of his life. The fever was often accompanied with lethargy or delirium; the bodies of the sick were covered with black pustules or carbuncles, the symptoms of immediate death; and, in the constitutions too feeble to produce an eruption, the vomiting of blood was followed by a mortification of the bowels. To pregnant women the plague was generally mortal; yet one infant was drawn alive from his dead mother, and three mothers survived the loss of their infected fœtus. Youth was the most perilous season, and the female sex was less susceptible than the male; but every rank and profession was attacked with indiscriminate rage, and many of those who escaped were deprived of the use of their speech, without being secure from a return of the disorder.[131] The physicians of Constantinople were zealous and skilful, but their art was baffled by the various symptoms and pertinacious vehemence of the disease; the same remedies were productive of contrary effects, and the event capriciously disappointed their prognostics of death or recovery. The order of funerals and the right of sepulchres were confounded; those who were left without friends or servants lay unburied in the streets or in their desolate houses; and a magistrate was authorised to collect the promiscuous heaps of dead bodies, to transport them by land or water, and to inter them in deep pits beyond the precincts of the city. Their own danger and the prospect of public distress awakened some remorse in the minds of the most vicious of mankind; the confidence of health again revived their passions and habits; but philosophy must disdain the observation of Procopius that the lives of such men were guarded by the peculiar favour of fortune or providence. He forgot, or perhaps he secretly recollected, that the plague had touched the person of Justinian himself; but the abstemious diet of the emperor may suggest, as in the case of Socrates, a more rational and honourable cause for his recovery.[132] During his sickness, the public consternation was expressed in the habits of the

[131] Thucydides (c. 51) affirms that the infection could only be once taken; but Evagrius, who had family experience of the plague, observes that some persons who had escaped the first, sunk under the second, attack; and this repetition is confirmed by Fabius Paullinus (p. 588). I observe that on this head physicians are divided; and the nature and operation of the disease may not always be similar.

[132] It was thus that Socrates had been saved by his temperance, in the plague of Athens (Aul. Gellius, Noct. Attic. ii. 1). Dr. Mead accounts for the peculiar salubrity of religious houses, by the two advantages of seclusion and abstinence (p. 18, 19).

itizens; and their idleness and despondence occasioned a general scarcity in the capital of the East.

Extent and duration. A.D. 542-594

Contagion is the inseparable symptom of the plague; which, by mutual respiration, is transfused from the infected persons to the lungs and stomach of those who approach them. While philosophers believe and tremble, it is singular that the existence of a real danger should have been denied by a people most prone to vain and imaginary terrors.[133] Yet the fellow-citizens of Procopius were satisfied, by some short and partial experience, that the infection could not be gained by the closest conversation;[134] and this persuasion might support the assiduity of friends or physicians in the care of the sick, whom inhuman prudence would have condemned to solitude and despair. But the fatal security, like the predestination of the Turks, must have aided the progress of the contagion, and those salutary precautions to which Europe is indebted for her safety were unknown to the government of Justinian. No restraints were imposed on the free and frequent intercourse of the Roman provinces; from Persia to France, the nations were mingled and infected by wars and emigrations; and the pestilential odour which lurks for years in a bale of cotton was imported, by the abuse of trade, into the most distant regions. The mode of its propagation is explained by the remark of Procopius himself, that it always spread from the sea-coast to the inland country; the most sequestered islands and mountains were successively visited; the places which had escaped the fury of its first passage were alone exposed to the contagion of the ensuing year. The winds might diffuse that subtle venom; but, unless the atmosphere be previously disposed for its reception, the plague would soon expire in the cold or temperate climates of the earth. Such was the universal corruption of the air that the pestilence which burst forth in the fifteenth year of Justinian was not checked or alleviated by any difference of the seasons. In time, its first malignity was abated and dispersed; the disease alternately languished

[133] Mead proves that the plague is contagious, from Thucydides, Lucretius, Aristotle, Galen, and common experience (p. 10-20); and he refutes (Preface, p. ii.-xiii.) the contrary opinion of the French physicians who visited Marseilles in the year 1720. Yet these were the recent and enlightened spectators of a plague which, in a few months, swept away 50,000 inhabitants (sur la Peste de Marseille, Paris, 1786) of a city that, in the present hour of prosperity and trade, contains no more than 90,000 souls (Necker, sur les Finances, tom. i. p. 231).

[134] The strong assertions of Procopius—οὔτε γὰρ ἰατρῷ οὔτε ἰδιώτῃ—are overthrown by the subsequent experience of Evagrius.

and revived; but it was not till the end of a calamitous perio of fifty-two years that mankind recovered their health or th air resumed its pure and salubrious quality. No facts hav been preserved to sustain an account, or even a conjecture, o the numbers that perished in this extraordinary mortality. only find that, during three months, five, and at length ten thousand persons died each day at Constantinople; that man cities of the East were left vacant; and that in several district of Italy the harvest and the vintage withered on the ground The triple scourge of war, pestilence, and famine, afflicted th subjects of Justinian, and his reign is disgraced by a visibl decrease of the human species, which has never been repaire in some of the fairest countries of the globe.[135]

[135] After some figures of rhetoric, the sands of the sea, &c. Procopius (Anecdo c. 18) attempts a more definite account: that μυριάδας μυριάδων μυρίας had bee exterminated under the reign of the Imperial dæmon. The expression is obscu in grammar and arithmetic, and a literal interpretation would produce sever millions of millions. Alemannus (p. 80) and Cousin (tom. iii. p. 178) translate th passage, "two hundred millions"; but I am ignorant of their motives. If we dro the μυριάδας the remaining μυριάδων μυριάς, a myriad of myriads, would furnis one hundred millions, a number not wholly inadmissible. [The number in Procopi is purely imaginary. Cp. Panchenko in *Vizant. Vrem.* iii. p. 311.]

CHAPTER XLIV

Idea of the Roman Jurisprudence—The Laws of the Kings—The Twelve Tables of the Decemvirs—The Laws of the People—The Decrees of the Senate—The Edicts of the Magistrates and Emperors—Authority of the Civilians—Code, Pandects, Novels, and Institutes of Justinian:—I. Rights of Persons—II. Rights of Things—III. Private Injuries and Actions—IV. Crimes and Punishments

The civil or Roman law

THE vain titles of the victories of Justinian are crumbled into dust; but the name of the legislator is inscribed on a fair and everlasting monument. Under his reign, and by his care, the civil jurisprudence was digested in the immortal works of the CODE, the PANDECTS, and the INSTITUTES;[1] the public reason of the Romans has been silently or studiously transfused into the domestic institutions of Europe;[2] and the laws of Justinian still command the respect or obedience of independent nations. Wise or fortunate is the prince who connects his own reputation with the honour and interest of a perpetual order of men. The defence of their founder is the first cause which in every age has exercised the zeal and industry of the civilians. They piously commemorate his virtues; dissemble or deny his failings; and fiercely chastise the guilt or folly of the rebels who presume to sully the majesty of the purple. The idolatry of love has provoked, as it usually happens, the rancour of oppo-

[1] The civilians of the darker ages have established an absurd and incomprehensible mode of quotation, which is supported by authority and custom. In their references to the Code, the Pandects, and the Institutes, they mention the number, not of the *book*, but only of the *law*; and content themselves with reciting the first words of the *title* to which it belongs; and of these titles there are more than a thousand. Ludewig (Vit. Justiniani, p. 268) wishes to shake off this pedantic yoke; and I have dared to adopt the simple and rational method of numbering the book, the title, and the law. [The standard text of the Corpus Juris Civilis is now that of Mommsen and Krüger.]

[2] Germany, Bohemia, Hungary, Poland, and Scotland have received them as common law or reason; in France, Italy, &c. they possess a direct or indirect influence; and they were respected in England from Stephen to Edward I., our national Justinian (Duck de Usu et Auctoritate Juris Civilis, l. ii. c. 1, 8-15. Heineccius, Hist. Juris Germanici, c. 3, 4, No. 55-124, and the legal historians of each country).

sition; the character of Justinian has been exposed to th blind vehemence of flattery and invective; and the injustice d a sect (the *Anti-Tribonians*) has refused all praise and merit t the prince, his ministers, and his laws.[3] Attached to no party interested only for the truth and candour of history, and d rected by the most temperate and skilful guides,[4] I ente with just diffidence on the subject of civil law, which has ex hausted so many learned lives and clothed the walls of suc spacious libraries. In a single, if possible in a short, chapte I shall trace the Roman jurisprudence from Romulus to Jus tinian,[5] appreciate the labours of that emperor, and pause t contemplate the principles of a science so important to th peace and happiness of society. The laws of a nation form th most instructive portion of its history; and, although I hav devoted myself to write the annals of a declining monarchy, shall embrace the occasion to breathe the pure and invigoratin air of the republic.

Laws of the kings of Rome

The primitive government of Rome[6] was composed, wit some political skill, of an elective king, a council of nobles, an a general assembly of the people. War and religion were ad ministered by the supreme magistrate; and he alone propose the laws, which were debated in the senate and finally ratifie or rejected by a majority of votes in the thirty *curiae* or parishe of the city. Romulus, Numa, and Servius Tullius are cele

[3] Francis Hottoman, a learned and acute lawyer of the xvith century, wished mortify Cujacius and to please the Chancellor de l'Hôpital. His Anti-Tribonian (which I have never been able to procure) was published in French in 1609; a his sect was propagated in Germany (Heineccius, Opp. tom. iii. sylloge iii. p. 17 183).

[4] At the head of these guides I shall respectfully place the learned and pe spicuous Heineccius, a German professor, who died at Halle in the year 1741 (s his Eloge in the Nouvelle Bibliothèque Germanique, tom. ii. p. 51-64). His amp works have been collected in eight volumes in 4to, Geneva, 1743-1748. The treatis which I have separately used are, 1. Historia Juris Romani et Germanici, Lug Batav. 1740, in 8°. 2. Syntagma Antiquitatum Romanam Jurisprudentia Illustrantium, 2 vols. in 8°, Traject. ad Rhenum. 3. Elementa Juris Civilis secu dum Ordinem Institutionum, Lugd. Bat. 1751, in 8°. 4. Elementa J. C. secundu Ordinem Pandectarum, Traject. 1772, in 8°, 2 vols. [Among the numerous works Roman Law which have appeared since the classical histories of Savigny (Gesch. d röm. Rechts im Mittelalter) and Walther (Gesch. des röm. Rechts), the excellent *P cis de Droit romain* of Accarias (in 2 vols., 4th ed. 1886) may be specially mentioned

[5] Our original text is a fragment de Origine Juris (Pandect. l. i. tit. ii.) Pomponius, a Roman lawyer, who lived under the Antonines (Heinecc. tom. i syll. iii. p. 66-126). It has been abridged, and probably corrupted, by Tribonia and since restored by Bynkershoek (Opp. tom. i. p. 279-304).

[6] The constitutional history of the kings of Rome may be studied in the fi book of Livy, and more copiously in Dionysius Halicarnassensis (l. ii. p. 80-9 119-130 [c. 4 *sqq.*, 57 *sqq.*], l. iv. p. 198-220 [c. 15 *sqq.*]), who sometimes betra the character of a rhetorician and a Greek.

ated as the most ancient legislators; and each of them ims his peculiar part in the threefold division of Juris- udence.[7] The laws of marriage, the education of children, d the authority of parents, which may seem to draw their gin from *nature* itself, are ascribed to the untutored wisdom Romulus. The law of *nations* and of religious worship, uich Numa introduced, was derived from his nocturnal con- rse with the nymph Egeria. The *civil* law is attributed to e experience of Servius; he balanced the rights and fortunes the seven classes of citizens, and guarded, by fifty new gulations, the observance of contracts and the punishment crimes. The state, which he had inclined towards a democ- cy, was changed by the last Tarquin into lawless despotism; d, when the kingly office was abolished, the patricians en- ossed the benefits of freedom. The royal laws became lious or obsolete; the mysterious deposit was silently pre- rved by the priests and nobles; and, at the end of sixty ears, the citizens of Rome still complained that they were led by the arbitrary sentence of the magistrates. Yet the positive institutions of the kings had blended themselves with ie public and private manners of the city; some fragments that venerable jurisprudence[8] were compiled by the dili- ence of antiquarians;[9] and above twenty texts still speak the deness of the Pelasgic idiom of the Latins.[10]

[7] This threefold division of the law was applied to the three Roman kings by stus Lipsius (Opp. tom. iv. p. 279); is adopted by Gravina (Origines Juris Civilis, 28, edit. Lips. 1737); and is reluctantly admitted by Mascou, his German itor.

[8] The most ancient Code or Digest was styled *Jus Papirianum*, from the first mpiler, Papirius, who flourished somewhat before or after the *Regifugium* (Pan- ct. l. i. tit. ii.). The best judicial critics, even Bynkershoek (tom. i. p. 284, 5), and Heineccius (Hist. J. C. R. l. i. c. 16, 17, and Opp. tom. iii. sylloge iv. 1-8), give credit to this tale of Pomponius, without sufficiently adverting to the lue and rarity of such a monument of the third century of the *illiterate* city. I uch suspect that the Caius Papirius, the Pontifex Maximus, who revived the laws Numa (Dionys. Hal. l. iii. p. 171 [c. 26]), left only an oral tradition; and that e Jus Papirianum of Granius Flaccus (Pandect. l. 1, tit. xvi. leg. 144) was not a mmentary, but an original work, compiled in the time of Cæsar (Censorin. de e Natali, l. iii. p. 13. Duker de Latinitate J. C. p. 157). [The inference from e passage in Dionysius seems to be that the *Jus Papirianum* was compiled under rquinius Superbus. The *leges regiae* were abolished by a lex tribunicia. Yet me of them were in force in B.C. 367. Cp. Livy, 6, 1.]

[9] A pompous, though feeble, attempt to restore the original is made in the istoire de la jurisprudence Romaine of Terrasson, p. 22-72, Paris, 1750, in folio: work of more promise than performance.

[10] In the year 1444, seven or eight tables of brass were dug up between Cortona d Gubbio. A part of these, for the rest is Etruscan, represents the primitive ite of the Pelasgic letters and language, which are ascribed by Herodotus to at district of Italy (l. i. c. 56, 57, 58); though this difficult passage may be

The twelve tables of the Decemvirs

I shall not repeat the well-known story of the Decemvirs who sullied by their actions the honour of inscribing on brass, wood, or ivory, the TWELVE TABLES of the Roman laws.[12] The were dictated by the rigid and jealous spirit of an aristocrac which had yielded with reluctance to the just demands of th people. But the substance of the Twelve Tables was adapte to the state of the city; and the Romans had emerged fro barbarism, since they were capable of studying and embracin the institutions of their more enlightened neighbours. A wis Ephesian was driven by envy from his native country; befor he could reach the shores of Latium, he had observed th various forms of human nature and civil society; he imparte his knowledge to the legislators of Rome; and a statue wa erected in the forum to the perpetual memory of Hermodorus. The names and the divisions of the copper-money, the sol coin of the infant state, were of Dorian origin;[14] the harvest of Campania and Sicily relieved the wants of a people whos agriculture was often interrupted by war and faction; and since the trade was established,[15] the deputies who sailed fro the Tiber might return from the same harbours with a mor

explained of a Crestona in Thrace (Notes de Larcher, tom. i. p. 256-261). Th savage dialect of the Eugubine tables has exercised, and may still elude, the divina tion of criticism; but the root is undoubtedly Latin, of the same age and charact as the Saliare Carmen, which, in the time of Horace, none could understan The Roman idiom, by an infusion of Doric and Æolic Greek, was gradual ripened into the style of the xii tables, of the Duillian column, of Ennius, Terence, and of Cicero (Gruter Inscript. tom. i. p. cxlii. Scipion Maffei, Istor Diplomatica, p. 241-258. Bibliothèque Italique, tom. iii. p. 30-41, 174-205, tom xiv. p. 1-52). [The language of the Eugubine Tables is neither Etruscan n Pelasgic, nor both, but Umbrian.]

[11] Compare Livy (l. iii. c. 31-59) with Dionysius Halicarnassensis (l. x. p. 64 [c. 55], xi. p. 691 [c. 1]). How concise and animated is the Roman—how prol and lifeless is the Greek! Yet he has admirably judged the masters, and define the rules, of historical composition.

[12] From the historians, Heineccius (Hist. J. R. l. i. No. 26) maintains that th twelve tables were of brass—*aereas:* in the text of Pomponius we [rightly] rea *eboreas;* for which Scaliger has substituted *roboreas* (Bynkershoek, p. 286). Wood brass, and ivory might be successively employed.

[13] His exile is mentioned by Cicero (Tusculan. Quæstion, v. 36); his statu [in the comitium] by Pliny (Hist. Nat. xxxiv. 11). The letter, dream, and pr phecy of Heraclitus are alike spurious (Epistolæ Græc. Divers. p. 337). [Cp. als Strabo, 14, 25, and John Lydus, de Mag. 1, 34.]

[14] This intricate subject of the Sicilian and Roman money is ably discussed b Dr. Bentley (Dissertation on the Epistles of Phalaris, p. 427-479), whose powers this controversy were called forth by honour and resentment.

[15] The Romans, or their allies, sailed as far as the fair promontory of Afric (Polyb. l. iii. p. 177, edit. Casaubon, in folio). Their voyages to Cumæ, &c. a noticed by Livy and Dionysius.

ecious cargo of political wisdom. The colonies of Great reece had transported and improved the arts of their mother-untry. Cumæ and Rhegium, Crotona and Tarentum, Agri-ntum and Syracuse, were in the rank of the most flourishing ies. The disciples of Pythagoras applied philosophy to the e of government; the unwritten laws of Charondas accepted e aid of poetry and music;[16] and Zaleucus framed the re-blic of the Locrians, which stood without alteration above o hundred years.[17] From a similar motive of national pride, th Livy and Dionysius are willing to believe that the deputies Rome visited Athens under the wise and splendid adminis-ation of Pericles; and the laws of Solon were transfused into e Twelve Tables. If such an embassy had indeed been re-ived from the barbarians of Hesperia, the Roman name ould have been familiar to the Greeks before the reign of lexander;[18] and the faintest evidence would have been ex-lored and celebrated by the curiosity of succeeding times. ut the Athenian monuments are silent; nor will it seem edible that the patricians should undertake a long and rilous navigation to copy the purest model of a democracy. the comparison of the tables of Solon with those of the ecemvirs, some casual resemblance may be found; some rules hich nature and reason have revealed to every society; some

[16] This circumstance would alone prove the antiquity of Charondas, the legis-tor of Rhegium and Catana, who, by a strange error of Diodorus Siculus (tom. l. xii. p. 485-492 [c. 11]), is celebrated long afterwards as the author of the policy Thurium.

[17] Zaleucus, whose existence has been rashly attacked, had the merit and glory converting a band of outlaws (the Locrians) into the most virtuous and orderly the Greek republics (see two Mémoires of the Baron de St. Croix, sur la Légis-tion de la Grande Grèce; Mém. de l'Académie, tom. xlii. p. 276-333). But the ws of Zaleucus and Charondas, which imposed on Diodorus and Stobæus, are e spurious composition of a Pythagorean sophist, whose fraud has been detected the critical sagacity of Bentley (p. 335-377).

[18] I seize the opportunity of tracing the progress of this national intercourse: 1. erodotus and Thucydides (A.U.C. 300-350) appear ignorant of the name and istence of Rome (Joseph. contra Apion. tom. ii. l. i. c. 12, p. 444, edit. Haver-mp). 2. Theopompus (A.U.C. 400, Plin. iii. 9) mentions the invasion of the auls, which is noticed in looser terms by Heraclides Ponticus (Plutarch in Camillo, 292, edit. H. Stephan. [c. 16]). 3. The real or fabulous embassy of the Romans Alexander (A.U.C. 430) is attested by Clitarchus (Plin. iii. 9), by Aristus and sclepiades (Arrian, l. vii. p. 294, 295 [c. 15]), and by Memnon of Heraclea (apud notium, cod. ccxxiv. p. 725); though tacitly denied by Livy. 4. Theophrastus .U.C. 440) primus externorum aliqua de Romanis diligentius scripsit (Plin. iii. 5. Lycophron (A.U.C. 480-500) scattered the first seed of a Trojan colony d the fable of the Æneid (Cassandra, 1226-1280):

Γῆς καὶ θαλάσσης σκῆπτρα καὶ μοναρχίαν
Λαβόντες.

bold prediction before the end of the first Punic war.

proofs of a common descent from Egypt or Phœnicia.[19] But in all the great lines of public and private jurisprudence, the legislators of Rome and Athens appear to be strangers or adverse to each other.

Their character and influence

Whatever might be the origin or the merit of the twelve tables,[20] they obtained among the Romans that blind and partial reverence which the lawyers of every country delight to bestow on their municipal institutions. The study is recommended by Cicero[21] as equally pleasant and instructive. "These amuse the mind by the remembrance of old words and the portrait of ancient manners; they inculcate the soundest principles of government and morals; and I am not afraid to affirm that the brief composition of the Decemvirs surpasses in genuine value the libraries of Grecian philosophy. How admirable," says Tully, with honest or affected prejudice, "is the wisdom of our ancestors! We alone are the masters of civil prudence, and our superiority is the more conspicuous, if we deign to cast our eyes on the rude and almost ridiculous jurisprudence of Dracon of Solon, and of Lycurgus." The Twelve Tables were committed to the memory of the young and the meditation of the old; they were transcribed and illustrated with learned diligence; they had escaped the flames of the Gauls, they subsisted in the age of Justinian, and their subsequent loss has been imperfectly restored by the labours of modern critics.[22] But, although these venerable monuments were considered as the rule of right and the fountain of justice,[23] they were overwhelmed by the weight and variety of new laws, which, at the end of five centuries, became a grievance more intolerable than the vices

[19] The tenth table, de modo sepulturæ, was borrowed from Solon (Cicero de Legibus, ii. 23-26): the furtum per lancem et licium conceptum is derived by Heineccius from the manners of Athens (Antiquitat. Rom. tom. ii. p. 167-175). The right of killing a nocturnal thief was declared by Moses, Solon, and the Decemvirs (Exodus, xxii. 3. Demosthenes contra Timocratem, tom. i. p. 736 edit. Reiske. Macrob. Saturnalia, l. i. c. 4. Collatio Legum Mosaicarum et Romanarum, tit. vii. No. 1, p. 218, edit. Cannegieter).

[20] Βραχέως καὶ ἀπερίττως is the praise of Diodorus (tom. i. l. xii. p. 494 [c. 26]) which may be fairly translated by the eleganti atque absolutâ brevitate verborum of Aulus Gellius (Noct. Attic. xxi. 1).

[21] Listen to Cicero (de Legibus, ii. 23) and his representative Crassus (de Oratore, i. 43, 44).

[22] See Heineccius (Hist. J. R. No. 29-33). I have followed the restoration of the xii tables by Gravina (Origines J. C. p. 280-307) and Terrasson (Hist. de la Jurisprudence Romaine, p. 94-205). [There is a convenient text of the fragments of the xii. tables in Gneist's Institutionum et Regularum juris Romani Syntagma.]

[23] Finis æqui juris (Tacit. Annal. iii. 27). Fons omnis publici et privati juris (Liv. iii. 34).

the city.[24] Three thousand brass plates, the acts of the nate and people, were deposited in the Capitol;[25] and some the acts, as the Julian law against extortion, surpassed the mber of an hundred chapters.[26] The Decemvirs had neg-cted to import the sanction of Zaleucus, which so long aintained the integrity of his republic. A Locrian who oposed any new law stood forth in the assembly of the ople with a cord round his neck, and, if the law was rejected, e innovator was instantly strangled.

Laws of the people

The Decemvirs had been named, and their tables were proved, by an assembly of the *centuries*, in which riches predominated against numbers. To the first class of Romans, the proprietors of one hundred thousand pounds of copper,[27] ninety-eight votes were assigned, and only ninety-five were left for the six inferior classes, distributed according to their substance by the artful policy of Servius. But the tribunes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he is bound to obey. Instead of the *centuries*, they convened the *tribes*; and the patricians, after an impotent struggle, submitted to the decrees of an assembly in which their votes were confounded with those of the meanest plebeians. Yet, as long as the tribes successively passed over narrow *bridges*,[28] and gave their voices

[24] De principiis juris et quibus modis ad hanc multitudinem infinitam ac varie-em legum perventum sit *altius* disseram (Tacit. Annal. iii. 25). This deep dis-isition fills only two pages, but they are the pages of Tacitus. With equal sense, t with less energy, Livy (iii. 34) had complained in hoc immenso aliarum super ns acervatarum legum cumulo, &c.

[25] Suetonius in Vespasiano, c. 8.

[26] Cicero ad Familiares, viii. 8.

[27] Dionysius, with Arbuthnot and most of the moderns (except Eisenschmidt de nderibus, &c. p. 137-140), represent the 100,000 *asses* by 10,000 Attic drachmæ, somewhat more than 300 pounds sterling. But their calculation can apply only the later times, when the *as* was diminished to $\frac{1}{24}$th of its ancient weight, nor can believe that in the first ages, however destitute of the precious metals, a single nce of silver could have been exchanged for seventy pounds of copper or brass. more simple and rational method is to value the copper itself according to the esent rate, and, after comparing the mint and the market price, the Roman and oirdupois weight, the primitive *as* or Roman pound of copper may be appre-ted at one English shilling, and the 100,000 *asses* of the first class amounted to oo pounds sterling. It will appear, from the same reckoning, that an ox was d at Rome for five pounds, a sheep for ten shillings, and a quarter of wheat for e pound ten shillings (Festus, p. 330, edit. Dacier. Plin. Hist. Natur. xviii. 4): r do I see any reason to reject these consequences, which moderate our ideas of e poverty of the first Romans.

[28] Consult the common writers on the Roman Comitia, especially Sigonius and aufort. Spanheim (de Præstantiâ et Usu Numismatum, tom. ii dissert. x. p. 2, 193) shews, on a curious medal, the Cista, Pontes, Septa, Diribitor, &c.

aloud, the conduct of each citizen was exposed to the eyes an ears of his friends and countrymen. The insolvent debtor con sulted the wishes of his creditor; the client would have blushe to oppose the views of his patron; the general was followed b his veterans; and the aspect of a grave magistrate was a livin lesson to the multitude. A new method of secret ballo abolished the influence of fear and shame, of honour and in terest, and the abuse of freedom accelerated the progress o anarchy and despotism.[29] The Romans had aspired to be equal they were levelled by the equality of servitude; and the dic tates of Augustus were patiently ratified by the formal consen of the tribes or centuries. Once, and once only, he experience a sincere and strenuous opposition. His subjects had resigne all political liberty; they defended the freedom of domesti life. A law which enforced the obligation, and strengthene the bonds, of marriage was clamorously rejected; Propertius [*Lex* Cynthia] in the arms of Delia, applauded the victory of licentious love and the project of reform was suspended till a new and mor tractable generation had arisen in the world.[30] Such an exampl was not necessary to instruct a prudent usurper of the mischie of popular assemblies; and their abolition, which Augustu had silently prepared, was accomplished without resistance and almost without notice, on the accession of his successor.[3] Sixty thousand plebeian legislators, whom numbers made for midable and poverty secure, were supplanted by six hundre senators, who held their honours, their fortunes, and their live Decrees of the senate by the clemency of the emperor. The loss of executive powe was alleviated by the gift of legislative authority; and Ulpia might assert, after the practice of two hundred years, that th decrees of the senate obtained the force and validity of laws In the times of freedom, the resolves of the people had ofte been dictated by the passion or error of the moment; th Cornelian, Pompeian, and Julian laws were adapted by a singl hand to the prevailing disorders; but the senate, under th reign of the Cæsars, was composed of magistrates and lawyers

[29] Cicero (de Legibus, iii. 16, 17, 18) debates this constitutional question, an assigns to his brother Quintus the most unpopular side.

[30] Præ tumultu recusantium perferre non potuit (Sueton. in August. c. 34). Se Propertius, l. ii. eleg. 6. Heineccius in a separate history has exhausted th whole subject of the Julian and Papian-Poppæan laws (Opp. tom. vii. P. i. p. 479).

[31] Tacit. Annal. i. 15. Lipsius, Excursus E. in Tacitum.

d in questions of private jurisprudence the integrity of their lgment was seldom perverted by fear or interest.[32]

The silence or ambiguity of the laws was supplied by the easional EDICTS of those magistrates who were invested with e *honours* of the state.[33] This ancient prerogative of the man kings was transferred, in the respective offices, to the nsuls and dictators, the censors and prætors; and a similar ght was assumed by the tribunes of the people, the ædiles, d the proconsuls. At Rome and in the provinces, the duties the subject and the intentions of the governor were pro- imed; and the civil jurisprudence was reformed by the nual edicts of the supreme judge, the prætor of the city. As on as he ascended his tribunal, he announced by the voice the crier, and afterwards inscribed on a white wall, the rules hich he proposed to follow in the decision of doubtful cases, d the relief which his equity would afford from the precise gour of ancient statutes. A principle of discretion more con- nial to monarchy was introduced into the republic; the art respecting the name, and eluding the efficacy, of the laws as improved by successive prætors; subtleties and fictions ere invented to defeat the plainest meaning of the Decemvirs; d, where the end was salutary, the means were frequently surd. The secret or probable wish of the dead was suffered prevail over the order of succession and the forms of testa- ents; and the claimant, who was excluded from the character heir, accepted with equal pleasure from an indulgent prætor e possession of the goods of his late kinsman or benefactor. the redress of private wrongs, compensations and fines were bstituted to the obsolete rigour of the Twelve Tables; time d space were annihilated by fanciful suppositions; and the ea of youth, or fraud, or violence, annulled the obligation, excused the performance, of an inconvenient contract. A risdiction thus vague and arbitrary was exposed to the most ngerous abuse: the substance, as well as the form of justice, ere often sacrificed to the prejudices of virtue, the bias of udable affection, and the grosser seductions of interest or

Edicts of the prætors

[32] Non ambigitur senatum jus facere posse, is the decision of Ulpian (l. xvi. ad lict. in Pandect. l. i. tit. iii. leg. 9). Pomponius taxes the *comitia* of the people a turba hominum (Pandect. l. i. tit. ii. leg. 9).

[33] The jus honorarium of the prætors and other magistrates is strictly defined in e Latin text of the Institutes (l. i. tit. ii. No. 7), and more loosely explained in e Greek paraphrase of Theophilus (p. 33-38, edit. Reitz), who drops the im- rtant word *honorarium*. [The prætorian *ius* as a source of equity is treated in very interesting manner by Sir Henry Maine, Ancient Law, c. 3.]

resentment. But the errors or vices of each prætor expire with his annual office; such maxims alone as had been approve by reason and practice were copied by succeeding judges; th rule of proceeding was defined by the solution of new case and the temptations of injustice were removed by the Co nelian law, which compelled the prætor of the year to adhe to the letter and spirit of his first proclamation.[34] It wa reserved for the curiosity and learning of Hadrian to accomplis the design which had been conceived by the genius of Cæsa and the prætorship of Salvius Julian, an eminent lawyer, wa immortalized by the composition of the PERPETUAL EDICT. Th well-digested code was ratified by the emperor and the senate the long divorce of law and equity was at length reconciled and, instead of the Twelve Tables, the Perpetual Edict wa fixed as the invariable standard of civil jurisprudence.[35]

The Perpetual Edict

From Augustus to Trajan, the modest Cæsars were conten to promulgate their edicts in the various characters of a Roma magistrate; and, in the decrees of the senate, the *epistles* an *orations* of the prince were respectfully inserted. Hadrian appears to have been the first who assumed, without disguis the plenitude of legislative power. And this innovation, agreeable to his active mind, was countenanced by the patienc of the times and his long absence from the seat of governmen The same policy was embraced by succeeding monarchs, an according to the harsh metaphor of Tertullian, "the gloom and intricate forest of ancient laws was cleared away by th axe of royal mandates and *constitutions*".[37] During four ce turies, from Hadrian to Justinian, the public and privat

Constitutions of the emperors

[34] Dion Cassius (tom. i. l. xxxvi. p. 100 [c. 23]) fixes the perpetual edicts in t year of Rome 686. Their institution, however, is ascribed to the year 585 in the Ac Diurna, which have been published from the papers of Ludovicus Vives. The authenticity is supported or allowed by Pighius (Annal. Roman. tom. ii. p. 37 378). Grævius (ad Sueton. p. 778), Dodwell (Prælection. Cambden, p. 665), a Heineccius; but a single word, scutum *Cimbricum*, detects the forgery (Moyle Works, vol. i. p. 303).

[35] The history of edicts is composed, and the text of the perpetual edict restored, by the master hand of Heineccius (Opp. tom. vii. P. ii. p. 1-564); whose researches I might safely acquiesce. In the Academy of Inscriptions, M Bouchaud has given a series of memoirs to this interesting subject of law a literature.

[36] His laws are the first in the Code. See Dodwell (Prælect. Cambden, 319-340), who wanders from the subject in confused reading and feeble paradox.

[37] Totam illam veterem et squalentem sylvam legum novis principalium r scriptorum et edictorum securibus truncatis et cæditis (Apologet. c. 4. p. 50, ed Havercamp). He proceeds to praise the recent firmness of Severus, who repeal the useless or pernicious laws without any regard to their age or authority.

risprudence was moulded by the will of the sovereign; and
w institutions, either human or divine, were permitted to
and on their former basis. The origin of Imperial legislation
s concealed by the darkness of ages and the terrors of armed
spotism; and a double fiction was propagated by the servility,
perhaps the ignorance, of the civilians who basked in the
nshine of the Roman and Byzantine courts. 1. To the
ayer of the ancient Cæsars, the people or the senate had
metimes granted a personal exemption from the obligation
d penalty of particular statutes; and each indulgence was an
t of jurisdiction exercised by the republic over the first of her
izens. His humble privilege was at length transformed into
e prerogative of a tyrant; and the Latin expression of "re-
ased from the laws," [38] was supposed to exalt the emperor
ove *all* human restraints, and to leave his conscience and
ason as the sacred measure of his conduct. 2. A similar de-
ndence was implied in the decrees of the senate, which, in
ery reign, defined the titles and powers of an elective magis-
ate. But it was not before the ideas, and even the language,
the Romans had been corrupted, that a *royal* law,[39] and an
evocable gift of the people, were created by the fancy of
lpian, or more probably of Tribonian himself; [40] and the origin
Imperial power, though false in fact and slavish in its conse-
ience, was supported on a principle of freedom and justice.
The pleasure of the emperor has the vigour and effect of law, Their legislative power
nce the Roman people by the royal law have transferred to
eir prince the full extent of their own power and sove-
ignty." [41] The will of a single man, of a child perhaps, was

[38] The constitutional style of *Legibus solutus* is misinterpreted by the art or norance of Dion Cassius (tom. i. l. liii. p. 713 [c. 18]). On this occasion his editor, imar, joins the universal censure which freedom and criticism have pronounced ainst that slavish historian.

[39] The *word* (*Lex Regia*) was still more recent than the *thing*. The slaves of mmodus or Caracalla would have started at the name of royalty. [It was the x de Imperio; see above, vol. i. p. 66.—Lex regia is an incorrect and late phrase. ought to mean a law proposed *by* a rex, not pertaining to a rex; and the words *, regius* were never associated officially with the Emperor. The phrase occurs the text of Ulpian, but is probably an interpolation—if not, as Mommsen ggests, a Syrian provincialism. See Mommsen, Staatsrecht, 2, 869.]

[40] See Gravina (Opp. p. 501-512) and Beaufort (République Romaine, tom. i. p. 5-274). He has made a proper use of two dissertations by John Frederick onovius and Noodt, both translated with valuable notes, by Barbeyrac, 2 vols. 12mo, 1731.

[41] Institut. l. i. tit. ii. No. 6; Pandect. l. i. tit. iv. leg. i.; Cod. Justinian, l. i. tit. i. leg. i. No. 7. In his antiquities and elements, Heineccius has amply treated constitutionibus principum, which are illustrated by Godefroy (Comment. ad d. Theodos. l. i. tit. i. ii. iii.) and Gravina (p. 87-90).

allowed to prevail over the wisdom of ages and the inclination of millions; and the degenerate Greeks were proud to declare that in his hands alone the arbitrary exercise of legislation could be safely deposited. "What interest or passion," exclaims Theophilus in the court of Justinian, "can reach the calm and sublime elevation of the monarch? he is already master of the lives and fortunes of his subjects; and those who have incurred his displeasure are already numbered with the dead."[42] Disdaining the language of flattery, the historian may confess that in questions of private jurisprudence, the absolute sovereign of a great empire can seldom be influenced by any personal considerations. Virtue, or even reason, will suggest to his impartial mind that he is the guardian of peace and equity, and that the interest of society is inseparably connected with his own. Under the weakest and most vicious reign, the seat of justice was filled by the wisdom and integrity of Papinian and Ulpian;[43] and the purest materials of the Code and Pandects are inscribed with the names of Caracalla and his ministers.[44] The tyrant of Rome was sometimes the benefactor of the provinces. A dagger terminated the crimes of Domitian; but the prudence of Nerva confirmed his acts, which, in the joy of their deliverance, had been rescinded by an indignant senate.[45]

Their rescripts

Yet in the *rescripts*,[46] replies to the consultations of the magistrates, the wisest of princes might be deceived by a partial exposition of the case. And this abuse, which placed their hasty decisions on the same level with mature and deliberate acts of legislation, was ineffectually condemned by the sense and example of Trajan. The *rescripts* of the emperor, his *grants* and *decrees*, his *edicts* and *pragmatic sanctions*, were subscribed in

[42] Theophilus, in Paraphras. Græc. Institut. p. 33, 34, edit. Reitz. For his person, time, writings, see the Theophilus of J. H. Mylius, Excurs. iii. p. 1031-1073.

[43] There is more envy than reason in the complaint of Macrinus (Jul. Capitolin. c. 13): Nefas esse leges videri Commodi et Caracallæ et hominum imperitorum voluntates. Commodus was made a Divus by Severus (Dodwell, Prælect. viii. p. 324, 325). Yet he occurs only twice in the Pandects.

[44] Of Antoninus Caracalla alone 200 constitutions are extant in the Code, and with his father 160. These two princes are quoted fifty times in the Pandects and eight in the Institutes (Terrasson, p. 265).

[45] Plin. Secund. Epistol. x. 66. Sueton. in Domitian. c. 23.

[46] It was a maxim of Constantine, contra jus rescripta non valeant (Cod. Theodos. l. i. tit. ii. leg. 1). The emperors reluctantly allow some scrutiny into the law and the fact, some delay, petition, &c.; but these insufficient remedies are too much in the discretion and at the peril of the judge.

urple ink,[47] and transmitted to the provinces as general or pecial laws, which the magistrates were bound to execute, and ne people to obey. But, as their number continually multi-ied, the rule of obedience became each day more doubtful nd obscure, till the will of the sovereign was fixed and ascer-ained in the Gregorian, the Hermogenian, and the Theodosian odes. The two first, of which some fragments have escaped, ere framed by two private lawyers, to preserve the constitu-ons of the Pagan emperors from Hadrian to Constantine. The hird, which is still extant, was digested in sixteen books by the rder of the younger Theodosius, to consecrate the laws of the hristian princes from Constantine to his own reign. But the hree codes obtained an equal authority in the tribunals; and ny act which was not included in the sacred deposit might be isregarded by the judge as spurious or obsolete.[48]

Forms of the Roman law

Among savage nations, the want of letters is imperfectly upplied by the use of visible signs, which awaken attention, nd perpetuate the remembrance of any public or private ransaction. The jurisprudence of the first Romans exhibited ne scenes of a pantomime; the words were adapted to the estures, and the slightest error or neglect in the *forms* of roceeding was sufficient to annul the *substance* of the fairest laim. The communion of the marriage-life was denoted by ne necessary elements of fire and water;[49] and the divorced ife resigned the bunch of keys, by the delivery of which she ad been invested with the government of the family. The anumission of a son, or a slave, was performed by turning him ound with a gentle blow on the cheek; a work was prohibited y the casting of a stone; prescription was interrupted by the reaking of a branch; the clenched fist was the symbol of a ledge or deposit; the right hand was the gift of faith and

[47] A compound of vermillion and cinnabar, which marks the Imperial diplomas om Leo I. (A.D. 470) to the fall of the Greek empire (Bibliothèque Raisonnée de Diplomatique, tom. i. p. 509-514. Lami, de Eruditione Apostolorum, tom. ii. 720-726).

[48] Schulting, Jurisprudentia Ante-Justinianea, p. 681-718. Cujacius assigned to regory the reigns from Hadrian to Gallienus, and the continuation to his fellow-bourer Hermogenes. This general division may be just; but they often trespassed n each other's ground. [These two codes were non-official. That of Gregory as probably composed at the beginning of Constantine's reign; that of Her-ogenes, which continued it, towards the end of the 4th century. The fragments of oth are published by Haenel in his edition of the Codex Theodosianus.]

[49] Scævola, most probably Q. Cervidius Scævola the master of Papinian, con-ders this acceptance of fire and water as the essence of marriage. (Pandect. l. xiv. tit. i. leg. 66. See Heineccius, Hist. J. R. No. 317).

confidence. The indenture of covenants was a broken straw weights and scales were introduced into every payment; an the heir who accepted a testament was sometimes obliged snap his fingers, to cast away his garments, and to leap an dance with real or affected transport.[50] If a citizen pursue any stolen goods into a neighbour's house, he concealed h nakedness with a linen towel, and hid his face with a mask bason, lest he should encounter the eyes of a virgin or matron.[51] In a civil action, the plaintiff touched the ear of th witness, seized his reluctant adversary by the neck, and in plored, in solemn lamentation, the aid of his fellow-citizen The two competitors grasped each other's hand as if the stood prepared for combat before the tribunal of the prætor he commanded them to produce the object of the dispute they went, they returned with measured steps, and a clod earth was cast at his feet to represent the field for which the contended. This occult science of the words and actions law was the inheritance of the pontiffs and patricians. Lik the Chaldean astrologers, they announced to their clients th day of business and repose; these important trifles were inte woven with the religion of Numa; and, after the publicatio of the Twelve Tables, the Roman people was still enslaved b the ignorance of judicial proceedings. The treachery of son plebeian officers at length revealed the profitable mystery; in more enlightened age, the legal actions were derided an observed; and the same antiquity which sanctified the practic obliterated the use and meaning, of this primitive language.[52]

Succession of the civil lawyers

A more liberal art was cultivated, however, by the sages Rome, who, in a stricter sense, may be considered as the autho of the civil law. The alteration of the idiom and manners the Romans rendered the style of the Twelve Tables le

[50] [Cicero (de Officiis, iii. 19) may state an ideal case, but St. Ambrose (Officiis, iii. 2) appeals to the practice of his own times, which he understood a lawyer and a magistrate (Schulting ad Ulpian. Fragment. tit. xxii. No. 28, p. 6 644). [This interpretation of the passage of Cicero is obviously false. There is evidence that such forms for accepting an inheritance were ever in use.]

[51] The furtum lance licioque conceptum was no longer understood in the ti of the Antonines (Aulus Gellius, xvi. 10). The Attic derivation of Heinecc (Antiquitat. Rom. l. iv. tit. i. No. 13-21) is supported by the evidence of Aris phanes, his scholiast, and Pollux. [See Gaius, § 189. The meaning of the *la* is quite uncertain.]

[52] In his oration for Murena (c. 9-13) Cicero turns into ridicule the forms a mysteries of the civilians, which are represented with more candour by Au Gellius (Noct. Attic. xx. 10), Gravina (Opp. p. 265, 266, 267), and Heinecc (Antiquitat. l. iv. tit. vi.).

miliar to each rising generation, and the doubtful passages ere imperfectly explained by the study of legal antiquarians. o define the ambiguities, to circumscribe the latitude, to apply e principles, to extend the consequences, to reconcile the al or apparent contradictions, was a much nobler and more portant task; and the province of legislation was silently vaded by the expounders of ancient statutes. Their subtle terpretations concurred with the equity of the prætor to form the tyranny of the darker ages: however strange or tricate the means, it was the aim of artificial jurisprudence to store the simple dictates of nature and reason, and the skill f private citizens was usefully employed to undermine the ublic institutions of their country. The revolution of almost ne thousand years, from the Twelve Tables to the reign of ustinian, may be divided into three periods almost equal in uration,[53] and distinguished from each other by the mode of struction and the character of the civilians.[54] Pride and norance contributed, during the first period, to confine within arrow limits the science of the Roman law. On the public ays of market or assembly, the masters of the art were seen alking in the forum, ready to impart the needful advice to ne meanest of their fellow-citizens, from whose votes, on a ture occasion, they might solicit a grateful return. As their ears and honours increased, they seated themselves at home n a chair or throne, to expect with patient gravity the visits f their clients, who at the dawn of day, from the town and ountry, began to thunder at their door. The duties of social fe and the incidents of judicial proceeding were the ordinary bject of these consultations, and the verbal or written opinion

The first period. A.U.C. 303-648

[53] [Another triple division is adopted by Accarias: (1) to Augustus, A.U.C. 724;) to Constantine, A.D. 306; (3) to Justinian. But this is from a more general int of view than the "succession of the lawyers".]

[54] The series of the civil lawyers is deduced by Pomponius (de Origine Juris ndect. l. i. tit. ii.). The moderns have discussed, with learning and criticism, is branch of literary history; and among these I have chiefly been guided by avina (p. 41-79) and Heineccius (Hist. J. R. No. 113-351). Cicero, more pecially in his books de Oratore, de Claris Oratoribus, de Legibus, and the avis Ciceroniana of Ernesti (under the names of *Mucius*, &c.) afford much nuine and pleasing information. Horace often alludes to the morning labours the civilians (Serm. I. i. 10. Epist. II. i. 103, &c.).

Agricolam laudat juris legumque peritus
Sub galli cantum, consultor ubi ostia pulsat.

. . . . . .

Romæ dulce diu fuit et solemne reclusâ
Mane domo vigilare, clienti promere jura.

of the *jurisconsults* was framed according to the rules of prudenc and law. The youths of their own order and family were pe mitted to listen; their children enjoyed the benefit of mo private lessons; and the Mucian race was long renowned f the hereditary knowledge of the civil law. The second perio

Second period. A.U.C. 648-988

the learned and splendid age of jurisprudence, may be extende from the birth of Cicero to the reign of Severus Alexander. system was formed, schools were instituted, books were com posed, and both the living and the dead became subservient t the instruction of the student. The *tripartite* of Ælius Pætu surnamed Catus, or the Cunning, was preserved as the olde work of jurisprudence. Cato the censor derived some additiona fame from his legal studies, and those of his son; the kindre appellation of Mucius Scævola was illustrated by three sages the law; but the perfection of the science was ascribed t Servius Sulpicius their disciple, and the friend of Tully; an the long succession, which shone with equal lustre under th republic and under the Cæsars, is finally closed by the respec able characters of Papinian, of Paul, and of Ulpian. The names, and the various titles of their productions, have bee minutely preserved, and the example of Labeo may sugge some idea of their diligence and fecundity. That emine lawyer of the Augustan age, divided the year between the ci and country, between business and composition; and fo hundred books are enumerated as the fruit of his retiremen Of the collections of his rival Capito, the two hundred and fift ninth book is expressly quoted; and few teachers could d liver their opinions in less than a century of volumes. In t

Third period. A.U.C. 988-1230

third period, between the reigns of Alexander and Justinia the oracles of jurisprudence were almost mute. The measu of curiosity had been filled; the throne was occupied by tyran and Barbarians; the active spirits were diverted by religio disputes; and the professors of Rome, Constantinople, and Be tus, were humbly content to repeat the lessons of their mo enlightened predecessors. From the slow advances and rap decay of these legal studies, it may be inferred that they quire a state of peace and refinement. From the multitude voluminous civilians who fill the intermediate space, it is evide that such studies may be pursued, and such works may be p formed, with a common share of judgment, experience, a industry. The genius of Cicero and Virgil was more sensi felt, as each revolving age had been found incapable of p ducing a similar or a second; but the most eminent teach

the law were assured of leaving disciples equal or superior themselves in merit and reputation.

The jurisprudence which had been grossly adapted to the ants of the first Romans was polished and improved in the eventh century of the city by the alliance of Grecian philo- phy. The Scævolas had been taught by use and experience; ut Servius Sulpicius was the first civilian who established his t on a certain and general theory.[55] For the discernment of uth and falsehood, he applied, as an infallible rule, the logic f Aristotle and the stoics, reduced particular cases to general rinciples, and diffused over the shapeless mass the light of rder and eloquence. Cicero, his contemporary and friend, eclined the reputation of a professed lawyer; but the juris- rudence of his country was adorned by his incomparable enius, which converts into gold every object that it touches. fter the example of Plato, he composed a republic; and, for ne use of his republic, a treatise of laws, in which he labours deduce from a celestial origin the wisdom and justice of ne Roman constitution. The whole universe, according to his ublime hypothesis, forms one immense commonwealth; gods nd men, who participate of the same essence, are members of ne same community; reason prescribes the law of nature and ations; and all positive institutions, however modified by ccident or custom, are drawn from the rule of right, which the eity has inscribed on every virtuous mind. From these hilosophical mysteries, he mildly excludes the sceptics who efuse to believe, and the epicureans who are unwilling to act. he latter disdain the care of the republic: he advises them to umber in their shady gardens. But he humbly intreats that ne new Academy would be silent, since her bold objections would o soon destroy the fair and well-ordered structure of his lofty stem.[56] Plato, Aristotle, and Zeno he represents as the nly teachers who arm and instruct a citizen for the duties of

Their philosophy

[55] Crassus, or rather Cicero himself, proposes (de Oratore, i. 41, 42) an idea of e art or science of jurisprudence, which the eloquent but illiterate Antonius 58) affects to deride. It was partly executed by Servius Sulpicius (in Bruto, c.), whose praises are elegantly varied in the classic Latinity of the Roman avina (p. 60).

[56] Perturbatricem autem omnium harum rerum academiam, hanc ab Arcesila et rneade recentem, exoremus ut sileat, nam si invaserit in hæc, quæ satis scite in- ucta et composita videantur, nimis edet ruinas, quam quidem ego placare cupio, bmovere non audeo (de Legibus, i. 13). From this passage alone Bentley emarks on Free thinking, p. 250) might have learned how firmly Cicero believed the specious doctrines which he has adorned.

social life. Of these, the armour of the stoics[57] was found t be of the firmest temper; and it was chiefly worn, both for us and ornament, in the schools of jurisprudence. From th Portico, the Roman civilians learned to live, to reason, and t die; but they imbibed in some degree the prejudices of th sect; the love of paradox, the pertinacious habits of dispute and a minute attachment to words and verbal distinction. The superiority of *form* to *matter* was introduced to ascertai the right of property; and the equality of crimes is counte nanced by an opinion of Trebatius,[58] that he who touches th ear touches the whole body; and that he who steals from a heap of corn or an hogshead of wine is guilty of the entir theft.[59]

Authority

Arms, eloquence, and the study of the civil law promote a citizen to the honours of the Roman state; and the thre professions were sometimes more conspicuous by their unio in the same character. In the composition of the edict, learned prætor gave a sanction and preference to his privat sentiments; the opinion of a censor or a consul was entertaine with respect; and a doubtful interpretation of the laws migh be supported by the virtues or triumphs of the civilian. Th patrician arts were long protected by the veil of mystery; an in more enlightened times, the freedom of inquiry establishe the general principles of jurisprudence. Subtle and intricat cases were elucidated by the disputes of the forum; rule axioms, and definitions[60] were admitted as the genuine di tates of reason; and the consent of the legal professors wa interwoven into the practice of the tribunals. But thes interpreters could neither enact nor execute the laws of th republic; and the judges might disregard the authority the Scævolas themselves, which was often overthrown by th

[57] The stoic philosophy was first taught at Rome by Panætius, the friend of t younger Scipio (see his life in the Mém. de l'Académie des Inscriptions, tom. x. 75-89).

[58] As he is quoted by Ulpian (leg. 40, ad Sabinum in Pandect. l. xlvii. tit. leg. 21). Yet Trebatius, after he was a leading civilian, qui familiam du [(accedit etiam) quod familiam ducit in iure civili = "he is at the top of his pr fession"], became an epicurean (Cicero ad Fam. vii. 5). Perhaps he was n constant or sincere in his new sect.

[59] See Gravina (p. 45-51) and the ineffectual cavils of Mascou. Heinecci (Hist J. R. No. 125) quotes and approves a dissertation of Everard Otto, Stoicâ Jurisconsultorum Philosophiâ.

[60] We have heard of the Catonian rule, the Aquilian stipulation, and t Manilian forms, of 211 maxims, and of 247 definitions (Pandect. l. L. tit. x xvii.).

loquence or sophistry of an ingenious pleader.[61] Augustus nd Tiberius were the first to adopt, as an useful engine, the cience of the civilians; and their servile labours accommo- ated the old system to the spirit and views of despotism. nder the fair pretence of securing the dignity of the art, the rivilege of subscribing legal and valid opinions was confined o the sages of senatorian or equestrian rank, who had been reviously approved by the judgment of the prince; and this onopoly prevailed, till Hadrian restored the freedom of the rofession to every citizen conscious of his abilities and know- edge. The discretion of the prætor was now governed by the essons of his teachers; the judges were enjoined to obey the omment as well as the text of the law; and the use of codi- ils was a memorable innovation, which Augustus ratified by he advice of the civilians.[62]

Sects [Scholæ]

The most absolute mandate could only require that the udges should agree with the civilians, if the civilians agreed mong themselves. But positive institutions are often the esult of custom and prejudice; laws and language are am- iguous and arbitrary; where reason is incapable of pronounc- ng, the love of argument is inflamed by the envy of rivals, he vanity of masters, the blind attachment of their disciples; nd the Roman jurisprudence was divided by the once famous ects of the *Proculians* and *Sabinians*.[63] Two sages of the law, Ateius Capito and Antistius Labeo,[64] adorned the peace of the Augustan age: the former distinguished by the favour of his overeign; the latter more illustrious by his contempt of that avour, and his stern though harmless opposition to the tyrant f Rome. Their legal studies were influenced by the various

[Sect of Labeo = Proculians; of Capito = Sabinians]

[61] Read Cicero, l. i. de Oratore, Topica, pro Murenâ.

[62] See Pomponius (de Origine Juris Pandect. l. i. tit. ii. leg. 2, No. 47), Heinec- ius (ad Institut. l. i. tit. ii. No. 8, l. ii. tit. xxv. in Element et Antiquitat.), and ravina (p. 41-45). Yet the monopoly of Augustus, an harsh measure, would ppear with some softening in the contemporary evidence; and it was probably eiled by a decree of the senate.

[63] I have perused the Diatribe of Gotfridus Mascovius, the learned Mascou, de ectis Jurisconsultorum (Lipsiæ 1728, in 12mo, p. 276), a learned treatise on a arrow and barren ground.

[64] See the character of Antistius Labeo in Tacitus (Annal. iii. 75) and in an pistle of Ateius Capito (Aul. Gellius, xiii. 12), who accuses his rival of libertas imia et *vecors*. Yet Horace would not have lashed a virtuous and respectable enator; and I must adopt the emendation of Bentley, who reads *Labieno* insanior erm. l. iii. 82). See Mascou, de Sectis (c. i. p. 1-24). [Accarias observes on Horace's words, referring to the Stoic doctrines of Labeo: "the lawyer was then ery young, and the poet must have afterwards regretted his injustice".]

colours of their temper and principles. Labeo was attach to the form of the old republic; his rival embraced the mo profitable substance of the rising monarchy. But the dispos tion of a courtier is tame and submissive; and Capito seldo presumed to deviate from the sentiments, or at least from th words, of his predecessors; while the bold republican pursue his independent ideas without fear of paradox or innovation The freedom of Labeo was enslaved, however, by the rigour his own conclusions, and he decided according to the letter the law the same questions which his indulgent competito resolved with a latitude of equity more suitable to the com mon sense and feelings of mankind. If a fair exchange ha been substituted to the payment of money, Capito still con sidered the transaction as a legal sale;[65] and he consulte nature for the age of puberty, without confining his definitio to the precise period of twelve or fourteen years.[66] This opp sition of sentiments was propagated in the writings and lesson of the two founders; the schools of Capito and Labeo mai tained their inveterate conflict from the age of Augustu to that of Hadrian;[67] and the two sects derived the appellations from Sabinus and Proculus, their most cele brated teachers. The names of *Cassians* and *Pegasians* wer likewise applied to the same parties; but, by a strange reverse the popular cause was in the hands of Pegasus,[68] a timid slav of Domitian, while the favourite of the Cæsars was represente by Cassius,[69] who gloried in his descent from the patric

[65] Justinian (Institut. l. iii. tit. xxiii. and Theophil. Vers. Græc. p. 677, 680) ha commemorated this weighty dispute, and the verses of Homer that were alleged o either side as legal authorities. It was decided by Paul (leg. 33, ad Edict. Pandect. l. xviii. tit. 1, leg. i.), since in a simple exchange the buyer could not b discriminated from the seller.

[66] This controversy was likewise given for the Proculians, to supersede th indecency of a search, and to comply with the aphorism of Hippocrates, who wa attached to the septenary number of two weeks of years, or 700 of days (Institut. i. tit. xxii.). Plutarch and the stoics (de Placit. Philosoph. l. v. c. 24) assign a mo natural reason. Fourteen years is the age—περὶ ἣν ὁ σπερματικὸς κρίνεται ὀρμός. Se the *vestigia* of the sects in Mascou, c. ix. p. 145-276.

[67] The series and conclusion of the sects are described by Mascou (c. ii.-vii. 24-120), and it would be almost ridiculous to praise his equal justice to these obs lete sects.

[68] At the first summons he flies to the turbot-council; yet Juvenal (Satir. iv. 7 81) styles the præfect or *bailiff* of Rome sanctissimus legum interpres. From h science, says the old scholiast, he was called, not a man, but a book. He derive the singular name of Pegasus from the galley which his father commanded. [The seems to be no ancient authority for the title Pegasians.]

[69] Tacit. Annal. xvi. 7. Sueton. in Nerone, c. xxxvii.

sassin. By the perpetual edict, the controversies of the sects ere in a great measure determined. For that important ork, the emperor Hadrian preferred the chief of the Sabinians: e friends of monarchy prevailed; but the moderation of lvius Julian insensibly reconciled the victors and the van- ished. Like the contemporary philosophers, the lawyers of e age of the Antonines disclaimed the authority of a master, d adopted from every system the most probable doctrines.[70] ut their writings would have been less voluminous, had their oice been more unanimous. The conscience of the judge as perplexed by the number and weight of discordant testi- onies, and every sentence that his passion or interest might ronounce was justified by the sanction of some venerable name. n indulgent edict of the younger Theodosius excused him from e labour of comparing and weighing their arguments. Five vilians, Caius, Papinian, Paul, Ulpian, and Modestinus, were stablished as the oracles of jurisprudence; a majority was ecisive; but, if their opinions were equally divided, a casting ote was ascribed to the superior wisdom of Papinian.[71]

[Law of Citations. A.D. 426]

When Justinian ascended the throne, the reformation of the oman jurisprudence was an arduous but indispensable task. n the space of ten centuries, the infinite variety of laws and gal opinions had filled many thousand volumes, which no rtune could purchase and no capacity could digest. Books ould not easily be found; and the judges, poor in the midst of ches, were reduced to the exercise of their illiterate discretion. he subjects of the Greek provinces were ignorant of the nguage that disposed of their lives and properties; and the *arbarous* dialect of the Latins was imperfectly studied in the cademies of Berytus and Constantinople. As an Illyrian oldier, that idiom was familiar to the infancy of Justinian; his outh had been instructed by the lessons of jurisprudence, and is Imperial choice selected the most learned civilians of the ast, to labour with their sovereign in the work of reforma-

Reformation of the Roman law by Justinian. A.D. 527, &c.

[70] Mascou, de Sectis, c. viii. p. 120-144, de Herciscundis, a legal term which was pplied to these eclectic lawyers: *herciscere* is synonymous to dividere. [In the ird century the schism was obliterated under the conciliatory influence of Ulpian nd Papinian. Cp. Accarias, i. p. 63.]

[71] See the Theodosian Code, l. i. tit. iv. with Godefroy's Commentary, tom. i. p. 0-35. This decree might give occasion to Jesuitical disputes like those in the ettres Provinciales, whether a judge was obliged to follow the opinion of Papinian, r of a majority, against his judgment, against his conscience, &c. Yet a legis- tor might give that opinion, however false, the validity, not of truth, but of w.

Tribonian. A.D. 527-546

tion.[72] The theory of professors was assisted by the practice of advocates and the experience of magistrates; and the whole undertaking was animated by the spirit of Tribonian.[73] This extraordinary man, the object of so much praise and censure, was a native of Side in Pamphylia; and his genius, like that of Bacon, embraced, as his own, all the business and knowledge of the age. Tribonian composed, both in prose and verse, on a strange diversity of curious and abstruse subjects:[74] a double panegyric of Justinian and the life of the philosopher Theodotus; the nature of happiness and the duties of government; Homer's catalogue and the four-and-twenty sorts of metre; the astronomical canon of Ptolemy; the changes of the months; the houses of the planets; and the harmonic system of the world. To the literature of Greece he added the use of the Latin tongue; the Roman civilians were deposited in his library and in his mind; and he most assiduously cultivated those arts which opened the road of wealth and preferment. From the bar of the prætorian præfects, he raised himself to the honours of quæstor, of consul, and of master of the offices; the council of Justinian listened to his eloquence and wisdom; and envy was mitigated by the gentleness and affability of his manners. The reproaches of impiety and avarice have stained the virtues or the reputation of Tribonian. In a bigoted and persecuting court, the principal minister was accused of a secret aversion to the Christian faith, and was supposed to entertain the sentiments of an Atheist and a Pagan, which have been imputed inconsistently enough, to the last philosophers of Greece. His avarice was more clearly proved and more sensibly felt. If he were swayed by gifts in the administration of justice, the example of Bacon will again occur; nor can the merit of

[72] For the legal labours of Justinian, I have studied the preface to the Institutes, the 1st, 2d, and 3d prefaces to the Pandects; the 1st and 2d Preface to the Code; and the Code itself (l. i. tit. xvii. de Veteri Jure enucleando). After these original testimonies, I have consulted, among the moderns, Heineccius (Hist. J. R. No. 383-404), Terrasson (Hist. de la Jurisprudence Romaine, p. 295-356), Gravina (Opp. p. 93-100), and Ludewig, in his Life of Justinian (p. 19-123, 318-321; for the Code and Novels, p. 209-261; for the Digest or Pandects, p. 262-317).

[73] For the character of Tribonian, see the testimonies of Procopius (Persic. l. i. c. 23, 24. Anecdot. c. 13, 20) and Suidas (tom. iii. p. 501, edit. Kuster). Ludewig (in Vit. Justinian. p. 175-209) works hard, very hard, to white-wash—the black-a moor.

[74] I apply the two passages of Suidas to the same man; every circumstance so exactly tallies. Yet the lawyers appear ignorant, and Fabricius is inclined to separate the two characters (Bibliot. Græc. tom. i. p. 341, ii. p. 518, iii. p. 418 xii. p. 346, 353, 474).

ibonian atone for his baseness, if he degraded the sanctity his profession, and, if laws were every day enacted, modi- d, or repealed, for the base consideration of his private olument. In the sedition of Constantinople, his removal s granted to the clamours, perhaps to the just indignation, the people; but the quæstor was speedily restored, and till e hour of his death he possessed, above twenty years, the vour and confidence of the emperor. His passive and dutiful bmission has been honoured with the praise of Justinian mself, whose vanity was incapable of discerning how often at submission degenerated into the grossest adulation. Tri- nian adored the virtues of his gracious master: the earth as unworthy of such a prince; and he affected a pious fear at Justinian, like Elijah or Romulus, would be snatched into e air and translated alive to the mansions of celestial glory.[75]

If Cæsar had achieved the reformation of the Roman law, his eative genius, enlightened by reflection and study, would have ven to the world a pure and original system of jurisprudence. hatever flattery might suggest, the emperor of the East was raid to establish his private judgment as the standard of uity: in the possession of legislative power, he borrowed the d of time and opinion; and his laborious compilations are arded by the sages and legislators of past times. Instead of statue cast in a simple mould by the hand of an artist, the orks of Justinian represent a tesselated pavement of antique d costly, but too often of incoherent, fragments. In the first ar of his reign, he directed the faithful Tribonian and nine arned associates to revise the ordinances of his predecessors, they were contained, since the time of Hadrian, in the Gre- rian, Hermogenian, and Theodosian codes; to purge the errors d contradictions, to retrench whatever was obsolete or super- ious, and to select the wise and salutary laws best adapted to e practice of the tribunals and the use of his subjects. The ork was accomplished in fourteen months; and the twelve oks or *tables*, which the new decemvirs produced, might be signed to imitate the labours of their Roman predecessors.

The Code of Justinian. A.D. 528, Feb. 13—A.D 529, April 7

[75] This story is related by Hesychius (de Viris Illustribus), Procopius (Anecdot. 13), and Suidas (tom. iii. p. 501). Such flattery is incredible!

——Nihil est quod credere de se
Non possit, cum laudatur Dis æqua potestas.

ntenelle (tom. i. p. 32-39) has ridiculed the impudence of the modest Virgil. t the same Fontenelle places his king above the divine Augustus; and the sage ileau has not blushed to say, "Le destin à ses yeux n'oseroit balancer". Yet ither Augustus nor Louis XIV. were fools.

The new CODE of Justinian was honoured with his name, ar confirmed by his royal signature; authentic transcripts wer multiplied by the pens of notaries and scribes; they were tran mitted to the magistrates of the European, the Asiatic, an afterwards the African provinces; and the law of the empire wa proclaimed on solemn festivals at the doors of churches. more arduous operation was still behind: to extract the spirit jurisprudence from the decisions and conjectures, the questio and disputes, of the Roman civilians. Seventeen lawyers, wit Tribonian at their head, were appointed by the emperor t exercise an absolute jurisdiction over the works of their prede cessors. If they had obeyed his commands in ten year Justinian would have been satisfied with their diligence; an the rapid composition of the DIGEST OR PANDECTS,[76] in three year will deserve praise or censure according to the merit of th execution. From the library of Tribonian they chose forty, th most eminent civilians of former times:[77] two thousand treatise were comprised in an abridgment of fifty books; and it has bee carefully recorded that three millions of lines or sentences[78] wer reduced, in this abstract, to the moderate number of one hundre and fifty thousand. The edition of this great work was delaye a month after that of the INSTITUTES; and it seemed reasonabl that the elements should precede the digest of the Roman law As soon as the emperor had approved their labours, he ratified by his legislative power, the speculations of these privat citizens; their commentaries on the Twelve Tables, the Perpetua Edict, the laws of the people, and the decrees of the senate succeeded to the authority of the text; and the text wa

The Pandects or Digest. A.D. 530, Dec. 15—A.D. 533, Dec. 16

[76] Πάνδεκται (general receivers) was a common title of the Greek miscellanie (Plin. Præfat. ad Hist. Natur.). The *Digesta* of Scævola, Marcellinus, Celsu were already familiar to the civilians: but Justinian was in the wrong when h used the two appellations as synonymous. Is the word *Pandects* Greek or Latin masculine or feminine? The diligent Brenckman will not presume to decide thes momentous controversies (Hist. Pandect. Florentin. p. 300-304).

[77] Angelus Politianus (l. v. Epist. ult.) reckons thirty-seven (p. 192-200) civilian quoted in the Pandects—a learned, and, for his times, an extraordinary list. Th Greek Index to the Pandects enumerates thirty-nine; and forty are produced b the indefatigable Fabricius (Bibliot. Græc. tom. iii. p. 488-502). Antoninus Augu tus [*leg.* Antonius Augustinus] (de Nominibus propriis Pandect. apud Ludewig, p 283) is said to have added fifty-four names; but they must be vague or second hand references.

[78] The Στιχοί of the ancient Mss. may be strictly defined as sentences or period of a complete sense, which, on the breadth of the parchment rolls or volumes composed as many lines of unequal length. The number of Στιχοί in each boo served as a check on the errors of the scribes (Ludewig, p. 211-215, and h original author Suicer. Thesaur. Ecclesiast. tom. i. p. 1021-1036).

ndoned, as an useless, though venerable, relic of antiquity. e *Code*, the *Pandects*, and the *Institutes* were declared to be legitimate system of civil jurisprudence; they alone were nitted in the tribunals, and they alone were taught in the demies of Rome, Constantinople, and Berytus. Justinian lressed to the senate and provinces his *eternal oracles;* and pride, under the mask of piety, ascribed the consummation his great design to the support and inspiration of the Deity. Since the emperor declined the fame and envy of original nposition, we can only require at his hands method, choice, fidelity, the humble though indispensable virtues of a npiler. Among the various combinations of ideas, it is icult to assign any reasonable preference; but, as the order Justinian is different in his three works, it is possible that all y be wrong, and it is certain that two cannot be right. In the ection of ancient laws, he seems to have viewed his pre- essors without jealousy and with equal regard: the series ld not ascend above the reign of Hadrian, and the narrow tinction of Paganism and Christianity, introduced by the erstition of Theodosius, had been abolished by the consent of nkind. But the jurisprudence of the Pandects is circum- bed within a period of an hundred years, from the Perpetual ct to the death of Severus Alexander; the civilians who d under the first Cæsars are seldom permitted to speak, and y three names can be attributed to the age of the republic. e favourite of Justinian (it has been fiercely urged) was fear- of encountering the light of freedom and the gravity of nan sages. Tribonian condemned to oblivion the genuine native wisdom of Cato, the Scævolas, and Sulpicius; while invoked spirits more congenial to his own, the Syrians, eks, and Africans, who flocked to the Imperial court to dy Latin as a foreign tongue, and jurisprudence as a lucrative fession. But the ministers of Justinian[79] were instructed labour, not for the curiosity of antiquarians, but for the nediate benefit of his subjects. It was their duty to select useful and practical parts of the Roman law; and the tings of the old republicans, however curious or excellent, e no longer suited to the new system of manners, religion, government. Perhaps, if the preceptors and friends of ero were still alive, our candour would acknowledge that,

Praise and censure of the Code and Pandects

[79] An ingenious and learned oration of Schultingius (Jurisprudentia Ante-Justini-, p. 883-907) justifies the choice of Tribonian, against the passionate charges rancis Hottoman and his sectaries.

except in purity of language,[80] their intrinsic merit was excell by the school of Papinian and Ulpian. The science of the la is the slow growth of time and experience, and the advant both of method and materials is naturally assumed by the m recent authors. The civilians of the reign of the Antoni had studied the works of their predecessors; their philo phic spirit had mitigated the rigour of antiquity, simplified forms of proceeding, and emerged from the jealousy and p judice of the rival sects. The choice of the authorities t compose the Pandects depended on the judgment of Tribonia but the power of his sovereign could not absolve him from sacred obligations of truth and fidelity. As a legislator of t empire, Justinian might repeal the acts of the Antonines, condemn, as seditious, the free principles which were ma tained by the last of the *Roman* lawyers.[81] But the existe of past facts is placed beyond the reach of despotism; and t emperor was guilty of fraud and forgery, when he corrupt the integrity of their text, inscribed with their venera names the words and ideas of his servile reign,[82] and suppress by the hand of power, the pure and authentic copies of th sentiments. The changes and interpolations of Tribonian a his colleagues are excused by the pretence of uniformity; b their cares have been insufficient, and the *antinomies* or cont dictions of the Code and Pandects still exercise the patie and subtlety of modern civilians.[83]

Loss of the ancient jurisprudence

A rumour devoid of evidence has been propagated by t enemies of Justinian: that the jurisprudence of ancient Ro

[80] Strip away the crust of Tribonian, and allow for the use of technical wo and the Latin of the Pandects will be found not unworthy of the *silver* age. It been vehemently attacked by Laurentius Valla, a fastidious grammarian of xvth century, and by his apologist Floridus Sabinus. It has been defended Alciat and a nameless advocate (most probably James Capellus). Their vari treatises are collected by Duker (Opuscula de Latinitate veterum juris consultor Lugd. Bat. 1721, in 12mo). [It has been pointed out by Warnkönig that V eulogized the language of Justinian's lawyers.]

[81] Nomina quidem veteribus servavimus, legum autem veritatem nostram fecim Itaque siquid erat in illis *seditiosum*, multa autem talia erant ibi reposita, hoc cisum est et definitum, et in perspicuum finem deducta est quæque lex (Cod. J tinian. l. i. tit. xvii. leg. 3, No. 10). A frank confession! [Warnkönig poin out that *seditiosum* means *disputed*, not seditious.]

[82] The number of these *emblemata* (a polite name for forgeries) is much redu by Bynkershoek (in the iv. last books of his Observations), who poorly maintains right of Justinian and the duty of Tribonian.

[83] The *antinomies*, or opposite laws of the Code and Pandects, are sometimes cause, and often the excuse, of the glorious uncertainty of the civil law, which often affords what Montaigne calls "Questions pour l'Ami". See a fine pass of Franciscus Balduinus in Justinian (l. ii. p. 259, &c. apud Ludewig, p. 305, 3

reduced to ashes by the author of the Pandects, from the
n persuasion that it was now either false or superfluous.
hout usurping an office so invidious, the emperor might
ly commit to ignorance and time the accomplishment of
destructive wish. Before the invention of printing and
er, the labour and the materials of writing could be pur-
sed only by the rich; and it may reasonably be computed
t the price of books was an hundredfold their present value.[84]
ies were slowly multiplied and cautiously renewed; the
es of profit tempted the sacrilegious scribes to eraze the
racters of antiquity; and Sophocles or Tacitus were obliged
resign the parchment to missals, homilies, and the golden
end.[85] If such was the fate of the most beautiful composi-
ns of genius, what stability could be expected for the dull
barren works of an obsolete science? The books of juris-
dence were interesting to few and entertaining to none;
ir value was connected with present use; and they sunk for
r as soon as that use was superseded by the innovations of
nion, superior merit, or public authority. In the age of peace
learning, between Cicero and the last of the Antonines,
ny losses had been already sustained, and some luminaries of
school, or forum, were known only to the curious by tradi-
n and report. Three hundred and sixty years of disorder
decay accelerated the progress of oblivion; and it may
ly be presumed that of the writings which Justinian is
used of neglecting many were no longer to be found in the
aries of the East.[86] The copies of Papinian or Ulpian, which

When Fust, or Faustus, sold at Paris his first printed Bibles as manuscripts,
price of a parchment copy was reduced from four or five hundred to sixty, fifty,
forty crowns. The public was at first pleased with the cheapness, and at length
oked by the discovery of the fraud (Mattaire, Annal. Typograph. tom. i. p.
first edition).

This execrable practice prevailed from the viiith, and more especially from the
, century, when it became almost universal (Montfaucon, in the Mémoires de
adémie, tom. vi. p. 606, &c. Bibliothèque Raisonnée de la Diplomatique, tom.
176).

Pomponius (Pandect. l. i. tit. ii. leg. 2 [*leg.* 30]) observes that of the three foun-
of the civil law, Mutius, Brutus, and Manilius, extant volumina, Scripta Manilii
umenta; that of some old republican lawyers, hæc versantur eorum scripta inter
us hominum. Eight of the Augustan sages were reduced to a compendium:
ascellius, scripta non extant sed unus liber, &c.; of Trebatius, minus frequen-
ur; of Tubero, libri parum grati sunt. Many quotations in the Pandects are
ved from books which Tribonian never saw; and, in the long period from the
to the xiiith century of Rome, the *apparent* reading of the moderns successively
nds on the knowledge and veracity of their predecessors. [The chief monu-
ts of Roman law previous to Justinian are: (1) the Fragments of Ulpian, dis-
red in 1544; (2) the Commentaries of Gaius, discovered at Verona in 1816;

the reformer had proscribed, were deemed unworthy of fut notice; the Twelve Tables and prætorian edict insensibly w ished; and the monuments of ancient Rome were neglected destroyed by the envy and ignorance of the Greeks. Even Pandects themselves have escaped with difficulty and dan from the common shipwreck, and criticism has pronounced t *all* the editions and manuscripts of the West are derived fr *one* original.[87] It was transcribed at Constantinople in beginning of the seventh century,[88] was successively transpor by the accidents of war and commerce to Amalphi,[89] Pisa,[90] Florence,[91] and is now deposited as a sacred relic[92] in ancient palace of the republic.[93]

Legal inconstancy of Justinian

It is the first care of a reformer to prevent any future re

(3) the Sententiæ of Paulus, which have been preserved as part of the Visigo Breviarium of Alaric II. All three are edited in Gneist's Syntagma (already cit and the Commentaries of Gaius and Institutes of Justinian are most convenie printed here in parallel columns.]

[87] *All*, in several instances, repeat the errors of the scribe and the transposit of some leaves in the Florentine Pandects. This fact, if it be true, is decisive. the Pandects are quoted by Ivo of Chartres (who died in 1117), by Theobald, a bishop of Canterbury, and by Vacarius, our first professor, in the year 1140 (Se ad Fletam, c. 7, tom. ii. p. 1080-1085). Have our British Mss. of the Pand been collated?

[88] See the description of this original in Brenckman (Hist. Pandect. Flor l. i. c. 2, 3, p. 4-17, and l. ii.). Politian, an enthusiast, revered it as the authe standard of Justinian himself (p. 407, 408); but this paradox is refuted by the breviations of the Florentine Ms. (l. ii. c. 3, p. 117-130). It is composed of quarto volumes with large margins, on a thin parchment, and the Latin charac betray the hand of a Greek scribe.

[89] Brenckman, at the end of his history, has inserted two dissertations, on republic of Amalphi, and the Pisan war in the year 1135, &c.

[90] The discovery of the Pandects at Amalphi (A.D. 1137) is first noticed (in 1 by Ludovicus Bologninus (Brenckman, l. i. c. 11, p. 73, 74, l. iv. c. 2, p. 417-4 on the faith of a Pisan chronicle (p. 409, 410), without a name or a date. whole story, though unknown to the xiith century, embellished by ignorant and suspected by rigid criticism, is not, however, destitute of much internal pr bility (l. i. c. 4-8, p. 17-50). [Cp. Savigny, Gesch. des röm. Rechts, 3, 83; w the story is rejected.] The Liber Pandectarum of Pisa was undoubtedly consu in the xivth century by the great Bartolus (p. 406, 407. See l. i. c. 9, p. 50-62)

[91] Pisa was taken by the Florentines in the year 1406; and in 1411 the Pand were transported to the capital. These events are authentic and famous.

[92] They were new bound in purple, deposited in a rich casket, and shew curious travellers by the monks and magistrates bareheaded, and with lig tapers (Brenckman, l. i. c. 10, 11, 12, p. 62-93).

[93] After the collations of Politian, Bologninus, and Antoninus [*leg.* Anto Augustinus, and the splendid edition of the Pandects by Taurellus (in 1 [*legendum*, Taurellius (1553)], Henry Brenckman, a Dutchman, undertoo pilgrimage to Florence, where he employed several years in the study of a s manuscript. His Historia Pandectarum Florentinorum (Utrecht, 1722, in though a monument of industry, is a small portion of his original design.

ation. To maintain the text of the Pandects, the Institutes, id the Code, the use of cyphers and abbreviations was rigorusly proscribed; and, as Justinian recollected that the Peretual Edict had been buried under the weight of commentaors, he denounced the punishment of forgery against the rash vilians who should presume to interpret or pervert the will of heir sovereign. The scholars of Accursius, of Bartolus, of Cucius, should blush for their accumulated guilt, unless they dare dispute his right of binding the authority of his successors and he native freedom of the mind. But the emperor was unable fix his own inconstancy; and, while he boasted of renewing he exchange of Diomede, of transmuting brass into gold,[94] he iscovered the necessity of purifying his gold from the mixture f baser alloy. Six years had not elapsed from the publication f the Code, before he condemned the imperfect attempt by new and more accurate edition of the same work; which he nriched with two hundred of his own laws and fifty decisions f the darkest and most intricate points of jurisprudence. very year, or, according to Procopius, each day, of his long ign was marked by some legal innovation. Many of his acts ere rescinded by himself, many were rejected by his sucssors, many have been obliterated by time; but the number f sixteen EDICTS, and one hundred and sixty-eight NOVELS,[95] as been admitted into the authentic body of the civil jurisrudence. In the opinion of a philosopher superior to the rejudices of his profession, these incessant, and for the most art trifling, alterations can be only explained by the venal pirit of a prince who sold without shame his judgments and is laws.[96] The charge of the secret historian is indeed exlicit and vehement; but the sole instance which he produces ay be ascribed to the devotion as well as to the avarice of ustinian. A wealthy bigot had bequeathed his inheritance the church of Emesa; and its value was enhanced by the

Second edition of the Code. A.D. 534, Nov. 16

The Novels. A.D. 534-565

94 Χρύσεα χαλκείων, ἑκατόμβοι' ἐννεαβοίων, apud Homerum patrem omnis virtutis st Præfat. ad Pandect.). A line of Milton or Tasso would surprise us in act of Parliament. Quæ omnia obtinere sancimus in omne ævum. Of the st Code, he says (2d Præfat.), in æternum valiturum. Man and for ever!

95 *Novellæ* is a classic adjective, but a barbarous substantive (Ludewig, p. 245). stinian never collected them himself; the nine collations, the legal standard of odern tribunals, consist of ninety-eight Novels; but the number was increased the diligence of Julian, Haloander, and Contius (Ludewig, p. 249, 258; eman. Not. in Anecdot. p. 98).

96 Montesquieu, Considérations sur la Grandeur et la Décadence des Romains, 20, tom. iii. p. 501, in 4to. On this occasion he throws aside the gown and p of a President à Mortier.

dexterity of an artist, who subscribed confessions of debt a promises of payment with the names of the richest Syria They pleaded the established prescription of thirty or fo years; but their defence was overruled by a retrospecti edict, which extended the claims of the church to the term a century: an edict so pregnant with injustice and disord that, after serving this occasional purpose, it was prudent abolished in the same reign.[97] If candour will acquit t emperor himself and transfer the corruption to his wife a favourites, the suspicion of so foul a vice must still degra the majesty of his laws; and the advocates of Justinian m acknowledge that such levity, whatsoever be the motive, unworthy of a legislator and a man.

The Institutes. A.D. 533, Nov. 21

Monarchs seldom condescend to become the preceptors their subjects; and some praise is due to Justinian, by who command an ample system was reduced to a short and el mentary treatise. Among the various institutes of the Roma law,[98] those of Caius[99] were the most popular in the East a West; and their use may be considered as an evidence of the merit. They were selected by the Imperial delegates, Trib nian, Theophilus, and Dorotheus: and the freedom and puri of the Antonines was incrusted with the coarser materials of degenerate age. The same volume which introduced the you of Rome, Constantinople, and Berytus, to the gradual study the Code and Pandects is still precious to the historian, t philosopher, and the magistrate. The INSTITUTES of Justinia are divided into four books; they proceed, with no contemp ible method, from I. *Persons* to II. *Things*, and from thin to III. *Actions*; and the article IV. of *Private Wrongs* is te minated by the principles of *Criminal Law*.

I. Of persons. Freemen and slaves

I. The distinction of ranks and *persons*, is the firmest bas of a mixed and limited government. In France, the remai

[97] Procopius, Anecdot. c. 28. A similar privilege was granted to the church Rome (Novel. ix.). For the general repeal of these mischievous indulgences, s Novel. cxi. and Edict. v.

[98] Lactantius, in his Institutes of Christianity, an elegant and specious wo proposes to imitate the title and method of the civilians. Quidam prudentes arbitri æquitatis Institutiones Civilis Juris compositas ediderunt (Institut. Div l. i. c. 1). Such as Ulpian, Paul, Florentinus, Marcian.

[99] The emperor Justinian calls him *suum*, though he died before the end of t second century. His Institutes are quoted by Servius, Boethius, Priscian, & and the epitome by Arrian is still extant. (See the Prolegomena and Notes to t edition of Schulting, in the Jurisprudentia Ante-Justinianea, Lugd. Bat. 171 Heineccius, Hist. J. R. No. 313. Ludewig, in Vit. Just. p. 199.) [See abo p. 467, n. 86.]

liberty are kept alive by the spirit, the honours, and even
e prejudices, of fifty thousand nobles.[100] Two hundred fami-
s supply, in lineal descent, the second branch of the English
gislature, which maintains, between the king and commons,
e balance of the constitution. A gradation of patricians and
ebeians, of strangers and subjects, has supported the aris-
cracy of Genoa, Venice, and ancient Rome. The perfect
uality of men is the point in which the extremes of de-
ocracy and despotism are confounded; since the majesty of the
ince or people would be offended, if any heads were exalted
ove the level of their fellow-slaves or fellow-citizens. In the
cline of the Roman empire, the proud distinctions of the
public were gradually abolished, and the reason or instinct of
stinian completed the simple form of an absolute monarchy.
ne emperor could not eradicate the popular reverence which
ways waits on the possession of hereditary wealth or the
emory of famous ancestors. He delighted to honour with
les and emoluments his generals, magistrates, and senators;
d his precarious indulgence communicated some rays of their
ory to the persons of their wives and children. But, in the
e of the law, all Roman citizens were equal, and all sub-
cts of the empire were citizens of Rome. That inestimable
aracter was degraded to an obsolete and empty name. The
ice of a Roman could no longer enact his laws or create the
nual ministers of his power: his constitutional rights might
ve checked the arbitrary will of a master; and the bold adven-
rer from Germany or Arabia was admitted, with equal favour,
the civil and military command, which the citizen alone had
en once entitled to assume over the conquests of his fathers.
he first Cæsars had scrupulously guarded the distinction of
genuous and *servile* birth, which was decided by the condition
the mother; and the candour of the laws was satisfied, if
r freedom could be ascertained during a single moment be-
veen the conception and the delivery. The slaves, who were
berated by a generous master, immediately entered into the
iddle class of *libertines* or freedmen; but they could never
e enfranchised from the duties of obedience and gratitude;

[100] See the Annales Politiques de l'Abbé de St. Pierre, tom. i. p. 25, who dates the year 1735. The most ancient families claim the immemorial possession of ms and fiefs. Since the Crusades, some, the most truly respectable, have been eated by the king, for merit and services. The recent and vulgar crowd is rived from the multitude of venal offices without trust or dignity, which con-ually ennoble the wealthy plebeians.

whatever were the fruits of their industry, their patron a his family inherited the third part; or even the whole of th fortune, if they died without children and without a testamen Justinian respected the rights of patrons; but his indulgen removed the badge of disgrace from the two inferior orders freedmen: whoever ceased to be a slave obtained, witho reserve or delay, the station of a citizen; and at length t dignity of an ingenuous birth, which nature had refused, w created, or supposed, by the omnipotence of the emper Whatever restraints of age, or forms, or numbers, had bee formerly introduced to check the abuse of manumissions a the too rapid increase of vile and indigent Romans, he final abolished; and the spirit of his laws promoted the extinctio of domestic servitude. Yet the eastern provinces were fille in the time of Justinian, with multitudes of slaves, either bo or purchased for the use of their masters; and the price, fro ten to seventy pieces of gold, was determined by their ag their strength, and their education.[101] But the hardships this dependent state were continually diminished by the infl ence of government and religion; and the pride of a subje was no longer elated by his absolute dominion over the life a happiness of his bondsman.[102]

Fathers and children

The law of nature instructs most animals to cherish a educate their infant progeny. The law of reason inculcates t the human species the returns of filial piety. But the exclusiv absolute, and perpetual dominion of the father over his childre is peculiar to the Roman jurisprudence,[103] and seems to be coev

[101] If the option of a slave was bequeathed to several legatees, they drew lo and the losers were entitled to their share of his value: ten pieces of gold for common servant or maid under ten years; if above that age, twenty; if they kn a trade, thirty; notaries or writers, fifty; midwives or *physicians*, sixty; eunuc under ten years, thirty pieces; above, fifty; if tradesmen, seventy (Cod. l. tit. xliii. leg. 3). These legal prices are generally below those of the market.

[102] For the state of slaves and freedmen, see Institutes, l. i. tit. iii.-viii.; l. tit. ix.; l. iii. tit. viii. ix. [vii., viii.]. Pandects or Digest, l. i. tit. v. vi.; l. xxxviii. t i.-iv., and the whole of the xlth book. Code, l. vi. tit. iv. v.; l. vii. tit. i.-xxiii. Be henceforwards understood that, with the original text of the Institutes and Pa dects, the correspondent articles in the Antiquities and Elements of Heineccius a implicitly quoted; and with the xxvii. first books of the Pandects, the learn and rational Commentaries of Gerard Noodt (Opera, tom. ii. p. 1-590, the en Lugd. Bat. 1724).

[103] See the patria potestas in the Institutes (l. i. tit. ix), the Pandects (l. tit. vi. vii.), and the Code (l. viii. tit. xlvii. xlviii. xlix. [= *leg.* xlvi., xlvii., xlviii. e Krüger]). Jus potestatis quod in liberos habemus proprium est civium Roman rum. Nulli enim alii sunt homines, qui talem in liberos habeant potestate qualem nos habemus. [Gaius mentions the Galatians as having this power; i. 5 and Cæsar (B. G. 6. 19) states that it existed in Gaul.]

vith the foundation of the city.[104] The paternal power was nstituted or confirmed by Romulus himself; and after the ractice of three centuries it was inscribed on the fourth table f the Decemvirs. In the forum, the senate, or the camp, the dult son of a Roman citizen enjoyed the public and private ights of a *person;* in his father's house, he was a mere *thing*, onfounded by the laws with the moveables, the cattle, and he slaves, whom the capricious master might alienate or lestroy without being responsible to any earthly tribunal. The hand which bestowed the daily sustenance might resume he voluntary gift, and whatever was acquired by the labour or ortune of the son was immediately lost in the property of the ather. His stolen goods (his oxen or his children) might be ecovered by the same action of theft;[105] and, if either had been guilty of a trespass, it was in his own option to compensate he damage or resign to the injured party the obnoxious animal. At the call of indigence or avarice, the master of a family ould dispose of his children or his slaves. But the condition of he slave was far more advantageous, since he regained by the irst manumission his alienated freedom; the son was again estored to his unnatural father; he might be condemned to ervitude a second and a third time, and it was not till after the hird sale and deliverance[106] that he was enfranchised from the lomestic power which had been so repeatedly abused. Accordng to his discretion, a father might chastise the real or imaginry faults of his children, by stripes, by imprisonment, by exile, by sending them to the country to work in chains among he meanest of his servants. The majesty of a parent was rmed with the power of life and death;[107] and the examples of such bloody executions, which were sometimes praised and never punished, may be traced in the annals of Rome, beyond he times of Pompey and Augustus. Neither age, nor rank,

[104] Dionysius Hal., l. ii. p. 94, 95 [c. 26]. Gravina (Opp. p. 286) produces the words of the xii tables. Papinian (in Collatione Legum Roman. et Mosaicarum, it. iv. p. 204) styles this patria potestas, lex regia; Ulpian (ad Sabin. l. xxvi. in Pandect. l. i. tit. vi. leg. 8) says, jus potestatis moribus receptum; and furiosus ilium in potestate habebit. How sacred—or rather, how absurd!

[105] Pandect. l. xlvii. tit. ii. leg. 14, No. 13; leg. 38, No. 1. Such was the decision of Ulpian and Paul.

[106] The trina mancipatio is most clearly defined by Ulpian (Fragment. x. p. 591, 592, edit. Schulting); and best illustrated in the Antiquities of Heineccius.

[107] By Justinian, the old law, the jus necis of the Roman father (Institut. l. iv. it. ix. [viii.] No. 7), is reported and reprobated. Some legal vestigesare left in the Pandects (l. xliii. tit. xxix. leg. 3, No. 4) and the Collatio Legum Romanarum et Mosaicarum (tit. ii. No. 3, p. 189).

nor the consular office, nor the honours of a triumph, could exempt the most illustrious citizen from the bonds of filial subjection;[108] his own descendants were included in the family of their common ancestor; and the claims of adoption were not less sacred or less rigorous than those of nature. Without fear, though not without danger of abuse, the Roman legislators had reposed an unbounded confidence in the sentiments of paternal love; and the oppression was tempered by the assurance that each generation must succeed in its turn to the awful dignity of parent and master.

Limitation of the paternal authority

The first limitation of paternal power is ascribed to the justice and humanity of Numa; and the maid who, with *his* father's consent, had espoused a freeman was protected from the disgrace of becoming the wife of a slave. In the first ages, when the city was pressed and often famished by her Latin and Tuscan neighbours, the sale of children might be a frequent practice; but, as a Roman could not legally purchase the liberty of his fellow-citizen, the market must gradually fail, and the trade would be destroyed by the conquests of the republic. An imperfect right of property was at length communicated to sons; and the threefold distinction of *profectitious, adventitious,* and *professional* was ascertained by the jurisprudence of the Code and Pandects.[109] Of all that proceeded from the father, he imparted only the use, and reserved the absolute dominion; yet, if his goods were sold, the filial portion was excepted, by a favourable interpretation, from the demands of the creditors. In whatever accrued by marriage, gift, or collateral succession, the property was secured to the son; but the father, unless he had been specially excluded, enjoyed the usufruct during his life. As a just and prudent reward of military virtue, the spoils of the enemy were acquired, possessed, and bequeathed by the soldier alone; and the fair analogy was extended to the emoluments of any liberal profession, the salary of public service, and the sacred

[108] Except on public occasions, and in the actual exercise of his office. In publicis locis atque muneribus atque actionibus patrum, jura cum filiorum qui in magistratu sunt potestatibus collata interquiescere paullulum et connivere, &c. (Aul. Gellius, Noctes Atticæ, ii. 2). The lessons of the philosopher Taurus were justified by the old and memorable example of Fabius; and we may contemplate the same story in the style of Livy (xxiv. 44) and the homely idiom of Claudius Quadrigarius the annalist.

[109] See the gradual enlargement and security of the filial *peculium* in the Institutes (l. ii. tit. ix.), the Pandects (l. xv. tit. i. l. xli. tit. i.), and the Code (l. iv. tit. xxvi. xvii.).

liberality of the emperor or the empress. The life of a citizen was less exposed than his fortune to the abuse of paternal power. Yet his life might be adverse to the interest or passions of an unworthy father; the same crimes that flowed from the corruption, were more sensibly felt by the humanity, of the Augustan age; and the cruel Erixo, who whipt his son till he expired, was saved by the emperor from the just fury of the multitude.[110] The Roman father, from the licence of servile dominion, was reduced to the gravity and moderation of a judge. The presence and opinion of Augustus confirmed the sentence of exile pronounced against an intentional parricide by the domestic tribunal of Arius. Hadrian transported to an island the jealous parent who, like a robber, had seized the opportunity of hunting, to assassinate a youth, the incestuous lover of his stepmother.[111] A private jurisprudence is repugnant to the spirit of monarchy; the parent was again reduced from a judge to an accuser; and the magistrates were enjoined by Severus Alexander to hear his complaints and execute his sentence. He could no longer take the life of a son without incurring the guilt and punishment of murder; and the pains of parricide, from which he had been excepted by the Pompeian law, were finally inflicted by the justice of Constantine.[112] The same protection was due to every period of existence; and reason must applaud the humanity of Paulus for imputing the crime of murder to the father who strangles or starves or abandons his new-born infant, or exposes him in a public place to find the mercy which he himself had denied. But the exposition of children was the prevailing and stubborn vice of antiquity: it was sometimes prescribed, often permitted, almost always practised with impunity, by the nations who never entertained the Roman ideas of paternal power; and the dramatic poets, who appeal to the human heart, represent with indifference a popular custom which was palliated by the

[110] The examples of Erixo and Arius are related by Seneca (de Clementiâ. i. 14, 15), the former with horror, the latter with applause.

[111] Quod latronis magis quam patris jure eum interfecit, nam patria potestas in pietate debet non in atrocitate consistere (Marcian, Institut. l. xiv. in Pandect. l. xlviii. tit. ix. leg. 5).

[112] The Pompeian and Cornelian laws de *sicariis* and *parricidis* are repeated, or rather abridged, with the last supplements of Alexander Severus, Constantine, and Valentinian, in the Pandects (l. xlviii. tit. viii. ix.), and Code (l. ix. tit. xvi. xvii.). See likewise the Theodosian Code (l. ix. tit. xiv. xv.), with Godefroy's Commentary (tom. iii. p. 84-113), who pours a flood of ancient and modern learning over these penal laws.

motives of economy and compassion.[113] If the father could subdue his own feelings, he might escape, though not the censure, at least the chastisement, of the laws; and the Roman empire was stained with the blood of infants, till such murders were included, by Valentinian and his colleagues, in the letter and spirit of the Cornelian law. The lessons of jurisprudence[114] and Christianity had been insufficient to eradicate this inhuman practice, till their gentle influence was fortified by the terrors of capital punishment.[115]

Husbands and wives

Experience has proved that savages are the tyrants of the female sex, and that the condition of women is usually softened by the refinements of social life. In the hope of a robust progeny, Lycurgus had delayed the season of marriage; it was fixed by Numa at the tender age of twelve years, that the Roman husband might educate to his will a pure and obedient virgin.[116] According to the custom of antiquity, he bought his bride of her parents, and she fulfilled the *coemption* by purchasing, with three pieces of copper, a just introduction to his house and household deities. A sacrifice of fruits was offered by the pontiffs in the presence of ten witnesses; the contracting parties were seated on the same sheepskin; they tasted a salt cake of *far* or rice; and this *confarreation*,[117] which denoted the ancient food of Italy, served as an emblem of their mystic union of mind and body. But this union on the side of the woman

The religious rites of marriage

[113] When the Chremes of Terence reproaches his wife for not obeying his orders and exposing their infant, he speaks like a father and a master, and silences the scruples of a foolish woman. See Apuleius (Metamorph. l. x. p. 337, edit. Delphin.).

[114] The opinion of the lawyers and the discretion of the magistrates had introduced in the time of Tacitus some legal restraints, which might support his contrast of the boni mores of the Germans to the bonæ leges alibi—that is to say, at Rome (de Moribus Germanorum, c. 19). Tertullian (ad Nationes, l. i. c. 15) refutes his own charges, and those of his brethren, against the heathen jurisprudence.

[115] The wise and humane sentence of the civilian Paul (l. ii. Sententiarum in Pandect. l. xxv. tit. iii. leg. 4) is represented as a mere moral precept by Gerard Noodt (Opp. tom. i. in Julius Paulus, p. 567-588, and Amica Responsio, p. 591-606), who maintains the opinion of Justus Lipsius (Opp. tom. ii. p. 409, ad Belgas, cent. i. epist. 85), and as a positive binding law by Bynkershoek (de Jure occidendi Liberos, Opp. tom. i. p. 318-340. Curæ Secundæ, p. 391-427). In a learned but angry controversy the two friends deviated into the opposite extremes.

[116] Dionys. Hal. l. ii. p. 92, 93; Plutarch, in Numa, p. 140, 141. Τὸ σῶμα καὶ τὸ ἦθος καθαρὸν καὶ ἄθικτον ἐπὶ τῷ γαμοῦντι γενέσθαι.

[117] Among the winter *frumenta*, the *triticum*, or bearded wheat; the *siligo*, or the unbearded; the *far*, *adorea*, *oryza*, whose description perfectly tallies with the rice of Spain and Italy. I adopt this identity on the credit of M. Paucton in his useful and laborious Métrologie (p. 517-529).

was rigorous and unequal; and she renounced the name and worship of her father's house to embrace a new servitude decorated only by the title of adoption. A fiction of the law, [Manus] neither rational nor elegant, bestowed on the mother of a family[118] (her proper appellation) the strange characters of sister to her own children, and of daughter to her husband or master, who was invested with the plenitude of paternal power. By his judgment or caprice her behaviour was approved, or censured, or chastised; he exercised the jurisdiction of life and death; and it was allowed that, in the cases of adultery or drunkenness,[119] the sentence might be properly inflicted. She acquired and inherited for the sole profit of her lord; and so clearly was woman defined, not as a *person*, but as a *thing*, that, if the original title were deficient, she might be claimed, like other moveables, by the *use* and possession of an entire year. [Usus] The inclination of the Roman husband discharged or withheld the conjugal debt, so scrupulously exacted by the Athenian and Jewish laws;[120] but, as polygamy was unknown, he could never admit to his bed a fairer or more favoured partner.

After the Punic triumphs, the matrons of Rome aspired to the common benefits of a free and opulent republic: their wishes were gratified by the indulgence of fathers and lovers, Freedom of the matrimonial contract

[118] Aulus Gellius (Noctes Atticæ, xviii. 6) gives a ridiculous definition of Ælius Melissus: Matrona, quæ semel, *materfamilias* quæ sæpius peperit, as porcetra and scropha in the sow kind. He then adds the genuine meaning, quæ in matrimonium vel in manum convenerat. [When a woman was married (whether she was under her father's *potestas*, or not), she passed under the power of her husband, and this power was called *manus;* it corresponded, in its scope, to the *patria potestas*. Manus was not strictly a consequence of marriage; it was rather the accompaniment of marriage, and was acquired in three ways. (1) By *confarreatio*, the ceremony described in the text. This ceremony seems to have been used only by Patricians. Certain priesthoods were confined to men sprung from a marriage contracted with confarreatio. In the last years of the republic, it fell into disuse. (2) By *coemptio*, which in the text seems to be confounded with confarreatio. The woman was *mancipated* to her husband, by her father if under his potestas, by herself if *sui iuris*. (3) By *usus*, or cohabitation for a year. If absent for three nights, the woman did not pass under her husband's manus. From the end of the republic manus had ceased to be the usual relation between husband and wife; and the decline of this legal institution seems to be parallel to the increase in frequency of divorce.]

[119] It was enough to have tasted wine, or to have stolen the key of the cellar (Plin. Hist. Nat. xiv. 14).

[120] Solon requires three payments per month. By the Misna, a daily debt was imposed on an idle, vigorous, young husband; twice a week on a citizen; once on a peasant; once in thirty days on a camel-driver; once in six months on a seaman. But the student or doctor was free from tribute; and *no* wife, if she received a *weekly* sustenance, could sue for a divorce; for one week a vow of abstinence was allowed. Polygamy divided, without multiplying, the duties of the husband (Selden, Uxor Ebraica, l. iii. c. 6, in his works, vol. ii. p. 717-720).

and their ambition was unsuccessfully resisted by the gravity of Cato the Censor.[121] They declined the solemnities of the old nuptials, defeated the annual prescription by an absence of three days, and, without losing their name or independence, subscribed the liberal and definite terms of a marriage-contract. Of their private fortunes they communicated the use, and secured the property; the estates of a wife could neither be alienated nor mortgaged by a prodigal husband; their mutual gifts were prohibited by the jealousy of the laws; and the misconduct of either party might afford, under another name, a future subject for an action of theft. To this loose and voluntary compact, religious and civil rites were no longer essential; and, between persons of a similar rank, the apparent community of life was allowed as sufficient evidence of their nuptials. The dignity of marriage was restored by the Christians, who derived all spiritual grace from the prayers of the faithful and the benediction of the priest or bishop. The origin, validity, and duties of the holy institution were regulated by the tradition of the synagogue, the precepts of the gospel, and the canons of general or provincial synods;[122] and the conscience of the Christians was awed by the decrees and censures of their ecclesiastical rulers. Yet the magistrates of Justinian were not subject to the authority of the church: the emperor consulted the unbelieving civilians of antiquity, and the choice of matrimonial laws in the Code and Pandects is directed by the earthly motives of justice, policy, and the natural freedom of both sexes.[123]

Liberty and abuse of divorce

Besides the agreement of the parties, the essence of every rational contract, the Roman marriage required the previous approbation of the parents. A father might be forced by some recent laws to supply the wants of a mature daughter; but

[121] On the Oppian law we may hear the mitigating speech of Valerius Flaccus and the severe censorial oration of the elder Cato (Liv. xxxiv. 1-8). But we shall rather hear the polished historian of the eighth, than the rough orators of the sixth, century of Rome. The principles, and even the style, of Cato are more accurately preserved by Aulus Gellius (x. 23).

[122] For the system of Jewish and Catholic matrimony, see Selden (Uxor Ebraica, Opp. vol. ii. p. 529-860), Bingham (Christian Antiquities, l. xxii.), and Chardon (Hist. des Sacremens, tom. vi.).

[123] The civil laws of marriage are exposed in the Institutes (l. i. tit. x.), the Pandects (l. xxiii. xxiv. xxv.), and the Code (l. v.); but, as the title de ritu nuptiarum is yet imperfect, we are obliged to explore the fragments of Ulpian (tit. ix. p. 590, 591), and the Collatio Legum Mosaicarum (tit. xvi. p. 790, 791), with the Notes of Pithœus and Schulting. They find, in the commentary of Servius (on the 1st Georgic and the 4th Æneid), two curious passages.

even his insanity was not generally allowed to supersede the necessity of his consent. The causes of the dissolution of matrimony have varied among the Romans;[124] but the most solemn sacrament, the confarreation itself, might always be done away by rites of a contrary tendency. In the first ages, [Diffarreatio] the father of a family might sell his children, and his wife was reckoned in the number of his children; the domestic judge might pronounce the death of the offender, or his mercy might expel her from his bed and house; but the slavery of the wretched female was hopeless and perpetual, unless he asserted for his own convenience the manly prerogative of divorce. The warmest applause has been lavished on the virtue of the Romans, who abstained from the exercise of this tempting privilege above five hundred years;[125] but the same fact evinces the unequal terms of a connexion in which the slave was unable to renounce her tyrant and the tyrant was unwilling to relinquish his slave. When the Roman matrons became the equal and voluntary companions of their lords, a new jurisprudence was introduced, that marriage, like other partnerships, might be dissolved by the abdication of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passion, interest, or caprice suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connexions was degraded to a transient society of profit or pleasure. According to the various conditions of life, both sexes alternately felt the disgrace and injury: an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the paternal authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks that the prevailing institutions were least favourable to the males. A specious theory is con-

[124] According to Plutarch (p. 57), Romulus allowed only three grounds of a divorce—drunkenness [*leg.* poisoning her children; φαρμακεία τέκνων], adultery, and false keys. Otherwise, the husband who abused his supremacy forfeited half his goods to the wife, and half to the goddess Ceres, and offered a sacrifice (with the remainder?) to the terrestrial deities. This strange law was either imaginary or transient. [Life of Romulus, c. 22.]

[125] In the year of Rome 523, Spurius Carvilius Ruga repudiated a fair, a good, but a barren wife (Dionysius Hal. l. ii. p. 93 [c. 25], Plutarch. in Numâ, p. 141. Valerius Maximus, l. ii. c. 1. Aulus Gellius, iv. 3). He was questioned by the censors, and hated by the people; but his divorce stood unimpeached in law.

futed by this free and perfect experiment, which demonstrates that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence and inflame every trifling dispute; the minute difference between an husband and a stranger, which might so easily be removed, might still more easily be forgotten; and the matron, who in five years can submit to the embraces of eight husbands, must cease to reverence the chastity of her own person.[126]

Limitations of the liberty of divorce

Insufficient remedies followed with distant and tardy steps the rapid progress of the evil. The ancient worship of the Romans afforded a peculiar goddess to hear and reconcile the complaints of a married life; but her epithet of *Viriplaca*,[127] the appeaser of husbands, too clearly indicates on which side submission and repentance were always expected. Every act of a citizen was subject to the judgment of the *censors;* the first who used the privilege of divorce assigned, at their command, the motives of his conduct;[128] and a senator was expelled for dismissing his virgin spouse without the knowledge or advice of his friends. Whenever an action was instituted for the recovery of a marriage-portion, the *prætor*, as the guardian of equity, examined the cause and the characters, and gently inclined the scale in favour of the guiltless and injured party. Augustus, who united the powers of both magistrates, adopted their different modes of repressing or chastising the licence of divorce.[129] The presence of seven Roman witnesses was required for the validity of this solemn and deliberate act: if any adequate provocation had been given by the husband, instead of the delay of two years, he was compelled to refund immediately, or in the space of six months; but, if he could arraign the manners of his wife, her guilt or levity was expiated

[126] —— Sic fiunt octo mariti
Quinque per autumnos. (Juvenal, Satir. vi. 267)
A rapid succession, which may yet be credible, as well as the non consulum numero, sed maritorum annos suos computant, of Seneca (de Beneficiis, iii. 16). Jerom saw at Rome a triumphant husband bury his twenty-first wife, who had interred twenty-two of his less sturdy predecessors (Opp. tom. i. p. 90, ad Gerontiam). But the ten husbands in a month of the poet Martial is an extravagant hyperbole (l. vi. epigram 7).

[127] Sacellum Viriplacæ (Valerius Maximus, l. ii. c. 1) in the Palatine region appears in the time of Theodosius, in the description of Rome by Publius Victor.

[128] Valerius Maximus, l. ii. c. 9. With some propriety he judges divorce more criminal than celibacy: illo namque conjugalia sacra spreta tantum, hoc etiam injuriose tractata.

[129] See the laws of Augustus and his successors, in Heineccius, ad Legem Papiam Poppæam, c. 19, in Opp. tom. vi. P. i. p. 323-333.

the loss of the sixth or eighth part of her marriage-portion. ıe Christian princes were the first who specified the just uses of a private divorce; their institutions, from Constantine Justinian, appear to fluctuate between the custom of the ıpire and the wishes of the church;[130] and the author of the ovels too frequently reforms the jurisprudence of the Code d Pandects. In the most rigorous laws, a wife was con-mned to support a gamester, a drunkard, or a libertine, ıless he were guilty of homicide, poison, or sacrilege, in hich cases the marriage, as it should seem, might have been ssolved by the hand of the executioner. But the sacred ght of the husband was invariably maintained to deliver his ıme and family from the disgrace of adultery; the list of *ortal* sins, either male or female, was curtailed and enlarged successive regulations, and the obstacles of incurable impo-nce, long absence, and monastic profession, were allowed to scind the matrimonial obligation. Whoever transgressed ıe permission of the law was subject to various and heavy enalties. The woman was stript of her wealth and ornaments, ithout excepting the bodkin of her hair; if the man intro-uced a new bride into his bed, *her* fortune might be lawfully ized by the vengeance of his exiled wife. Forfeiture was metimes commuted to a fine; the fine was sometimes aggra-ted by transportation to an island or imprisonment in a onastery; the injured party was released from the bonds of arriage; but the offender, during life or a term of years, was sabled from the repetition of nuptials. The successor of ustinian yielded to the prayers of his unhappy subjects, and stored the liberty of divorce by mutual consent; the civilians ere unanimous,[131] the theologians were divided,[132] and the am-

[130] Aliæ sunt leges Cæsarum, aliæ Christi; aliud Papinianus, aliud Paulus *ster* præcipit (Jerom, tom. i. p. 198. Selden, Uxor Ebraica, l. iii. c. 31, p. 847-3).

[131] The Institutes are silent, but we may consult the Codes of Theodosius (l. iii. . xvi. with Godefroy's Commentary, tom. i. p. 310-315) and Justinian (l. v. tit. ii.), the Pandects (l. xxiv. tit. ii.) and the Novels (xxii. cxvii. cxxvii. cxxxiv. l.). Justinian fluctuated to the last between the civil and ecclesiastical law.

[132] In pure Greek, πορνεια is not a common word; nor can the proper meaning, rnication, be strictly applied to matrimonial sin. In a figurative sense, how far, d to what offences, may it be extended? Did Christ speak the Rabbinical or riac tongue? Of what original word is πορνεία the translation? How variously that Greek word translated in the versions ancient and modern! There are o (Mark, x. 11, Luke, xvi. 18) to one (Matthew, xix. 9) that such ground of vorce was not accepted by Jesus. Some critics have presumed to think, by an asive answer, he avoided the giving offence either to the school of Sammai or to at of Hillel (Selden, Uxor Ebraica, l. iii. c. 18-22, 28, 31).

biguous word, which contains the precept of Christ, is flexib to any interpretation that the wisdom of a legislator can deman

Incest, concubines, and bastards

The freedom of love and marriage was restrained among th Romans by natural and civil impediments. An instinct, almo innate and universal, appears to prohibit the incestuous con merce [133] of parents and children in the infinite series of ascen ing and descending generations. Concerning the oblique a collateral branches, nature is indifferent, reason mute, a custom various and arbitrary. In Egypt, the marriage brothers and sisters was admitted without scruple or exceptio a Spartan might espouse the daughter of his father, an Atheni that of his mother; and the nuptials of an uncle with his nie were applauded at Athens as a happy union of the deare relations. The profane lawgivers of Rome were never tempte by interest or superstition to multiply the forbidden degree but they inflexibly condemned the marriage of sisters a brothers, hesitated whether first-cousins should be touched the same interdict, revered the paternal character of aun and uncles, and treated affinity and adoption as a just imitatio of the ties of blood. According to the proud maxims of th republic, a legal marriage could only be contracted by fr citizens; an honourable, at least an ingenuous, birth was r quired for the spouse of a senator; but the blood of kin could never mingle in legitimate nuptials with the blood a Roman; and the name of Stranger degraded Cleopat and Berenice [134] to live the *concubines* of Mark Antony a Titus.[135] This appellation, indeed, so injurious to the majest cannot without indulgence be applied to the manners, of the Oriental queens. A concubine, in the strict sense of th civilians, was a woman of servile or plebeian extraction, th sole and faithful companion of a Roman citizen, who continue in a state of celibacy. Her modest station below the honou of a wife, above the infamy of a prostitute, was acknowledge

[133] The principles of the Roman jurisprudence are exposed by Justinian (Institu l. i. tit. x.); and the laws and manners of the different nations of antiquity co cerning forbidden degrees, &c. are copiously explained by Dr. Taylor in Elements of Civil Law (p. 108, 314-339), a work of amusing, though variou reading; but which cannot be praised for philosophical precision.

[134] When her father Agrippa died (A.D. 44), Berenice was sixteen years of a (Joseph. tom. i. Antiquit. Judaic. l. xix. c. 9, p. 952, edit. Havercamp). She w therefore above fifty years old when Titus (A.D. 79) invitus invitam invisit. Th date would not have adorned the tragedy or pastoral of the tender Racine.

[135] The *Ægyptia conjunx* of Virgil (Æneid, viii. 688) seems to be number among the monsters who warred with Mark Antony against Augustus, the senat and the gods of Italy.

approved by the laws: from the age of Augustus to the th century, the use of this secondary marriage prevailed h in the West and East, and the humble virtues of a con- ine were often preferred to the pomp and insolence of a le matron. In this connexion, the two Antonines, the t of princes and of men, enjoyed the comforts of domestic e: the example was imitated by many citizens impatient of bacy, but regardful of their families. If at any time y desired to legitimate their natural children, the con- sion was instantly performed by the celebration of their otials with a partner whose fruitfulness and fidelity they l already tried. By this epithet of *natural*, the offspring of concubine were distinguished from the spurious brood of ltery, prostitution, and incest, to whom Justinian reluctantly nts the necessary aliments of life; and these natural children ne were capable of succeeding to a sixth part of the inherit- e of their reputed father. According to the rigour of law, tards were entitled only to the name and condition of their ther, from whom they might derive the character of a slave, tranger, or a citizen. The outcasts of every family were opted without reproach as the children of the state.[136]

Guardians and wards

The relation of guardian and ward, or in Roman words, of *r* and *pupil*, which covers so many titles of the Institutes and ndects,[137] is of a very simple and uniform nature. The son and property of an orphan must always be trusted the custody of some discreet friend. If the deceased father l not signified his choice, the *agnats*, or paternal kindred of nearest degree, were compelled to act as the natural rdians: the Athenians were apprehensive of exposing the nt to the power of those most interested in his death; an axiom of Roman jurisprudence has pronounced that charge of tutelage should constantly attend the emolu- nt of succession. If the choice of the father and the line consanguinity afforded no efficient guardian, the failure was plied by the nomination of the prætor of the city[138] or the

[136] The humble but legal rights of concubines and natural children, are stated e Institutes (l. i. tit. x), the Pandects (l. i. tit. vii.), the Code (l. v. tit. xv.), and Novels (lxxiv. lxxxix.). The researches of Heineccius and Giannone (ad em Juliam et Papiam-Poppæam, c. iv. p. 164-175. Opere Posthume, p. 108- illustrate this interesting and domestic subject. [All previous studies have superseded by Paul Meyer's treatise, Der römische Konkubinat, 1895.]

[137] See the article of guardians and wards in the Institutes (l. i. tit. xiii.-xxvi.), Pandects (l. xxvi. xxvii), and the Code (l. v. tit. xxviii.-lxx).

[138] [Marcus Aurelius instituted a special office for this purpose, the prætor aris. Justinian divided the functions between him and the præfect of the (Rome or Constantinople).]

president of the province. But the person whom they nam to this *public* office might be legally excused by insanity blindness, by ignorance or inability, by previous enmity or a verse interest, by the number of children or guardianships wi which he was already burthened, and by the immunities whi were granted to the useful labours of magistrates, lawye physicians, and professors. Till the infant could speak a think, he was represented by the tutor, whose authority w finally determined by the age of puberty. Without his co sent, no act of the pupil could bind himself to his own prejudic though it might oblige others for his personal benefit. It needless to observe that the tutor often gave security and alwa rendered an account, and that the want of diligence or inte rity exposed him to a civil and almost criminal action for t violation of his sacred trust The age of puberty had be rashly fixed by the civilians at fourteen;[139] but, as the faculti of the mind ripen more slowly than those of the body, a *cura* was interposed to guard the fortunes of a Roman youth fr his own inexperience and headstrong passions. Such a trust had been first instituted by the prætor, to save a family fr the blind havoc of a prodigal or madman; and the minor w compelled by the laws to solicit the same protection to gi validity to his acts till he accomplished the full period twenty-five years. Women were condemned to the perpetu tutelage of parents, husbands, or guardians;[140] a sex creat to please and to obey was never supposed to have attained t age of reason and experience. Such at least was the stern a haughty spirit of the ancient law, which had been insensil mollified before the time of Justinian.

II. Of things. Right of property

II. The original right of property can only be justified by t accident or merit of prior occupancy; and on this foundation is wisely established by the philosophy of the civilians.[141] T savage who hollows a tree, inserts a sharp stone into a wood handle, or applies a string to an elastic branch, becomes i state of nature the just proprietor of the canoe, the bow, or t hatchet. The materials were common to all; the new form, t

[139] [It was first fixed at this age (in accordance with the opinion of the culians) by Justinian.]

[140] [Here tutelage is used in a wider sense than tutela. Every woman sui (*i.e.*, neither under *potestas*, nor in *manus*) was under the *tutela* of a guard Every freedman was under the tutela of his patron.]

[141] Institut. l. ii. tit. i. ii. Compare the pure and precise reasoning of C and Heineccius (l. ii. tit. i. p. 69-91), with the loose prolixity of Theophilus (p. 265). The opinions of Ulpian are preserved in the Pandects (l. i. tit. viii., leg. No. 1).

oduce of his time and simple industry, belongs solely to him-
lf. His hungry brethren cannot, without a sense of their own
ustice, extort from the hunter the game of the forest over-
ken or slain by his personal strength and dexterity. If his
ovident care preserves and multiplies the tame animals,
ose nature is tractable to the arts of education, he acquires
perpetual title to the use and service of their numerous
ogeny, which derives its existence from him alone. If he
closes and cultivates a field for their sustenance and his own,
barren waste is converted into a fertile soil; the seed, the
anure, the labour, create a new value; and the rewards of
rvest are painfully earned by the fatigues of the revolving
ear. In the successive states of society, the hunter, the shep-
erd, the husbandman, may defend their possessions by two
asons which forcibly appeal to the feelings of the human
ind: that whatever they enjoy is the fruit of their own
dustry; and, that every man who envies their felicity may
rchase similar acquisitions by the exercise of similar diligence.
ch, in truth, may be the freedom and plenty of a small
lony cast on a fruitful island. But the colony multiplies,
hile the space still continues the same; the common rights,
e equal inheritance of mankind, are engrossed by the bold
d crafty; each field and forest is circumscribed by the land-
arks of a jealous master; and it is the peculiar praise of the
oman jurisprudence that it asserts the claim of the first
cupant to the wild animals of the earth, the air, and the
aters. In the progress from primitive equity to final injustice,
e steps are silent, the shades are almost imperceptible, and
e absolute monopoly is guarded by positive laws and artificial
ason. The active insatiate principle of self-love can alone
pply the arts of life and the wages of industry; and, as soon
civil government and exclusive property have been in-
oduced, they become necessary to the existence of the human
ce. Except in the singular institutions of Sparta, the wisest
gislators have disapproved an agrarian law as a false and
angerous innovation. Among the Romans, the enormous dis-
roportion of wealth surmounted the ideal restraints of a
oubtful tradition and an obsolete statute: a tradition that
e poorest follower of Romulus had been endowed with the
erpetual inheritance of two *jugera*:[142] a statute which confined

[142] The *heredium* of the first Romans is defined by Varro (de Re Rusticâ, l i. ii. p. 141, c. x. p. 160, 161, edit. Gesner), and clouded by Pliny's declamation (Hist. Natur. xviii. 2). A just and learned comment is given in the Administration des Terres chez les Romains (p. 12-66).

the richest citizen to the measure of five hundred jugera three hundred and twelve acres of land. The original territ of Rome consisted only of some miles of wood and mead along the banks of the Tiber; and domestic exchange co add nothing to the national stock. But the goods of an al or enemy were lawfully exposed to the first hostile occupi the city was enriched by the profitable trade of war; and t blood of her sons was the only price that was paid for t Volscian sheep, the slaves of Britain, or the gems and gold Asiatic kingdoms. In the language of ancient jurisprudenc which was corrupted and forgotten before the age of Justini these spoils were distinguished by the name of *manceps* or *ma cipium*, taken with the hand; and, whenever they were s or *emancipated*, the purchaser required some assurance that th had been the property of an enemy, and not of a fello citizen.[143] A citizen could only forfeit his rights by appare dereliction, and such dereliction of a valuable interest cou not easily be presumed. Yet, according to the Twelve Tabl a prescription of one year for moveables, and of two years immoveables, abolished the claim of the ancient master, if t actual possessor had acquired them by a fair transaction fr the person whom he believed to be the lawful proprietor.

[143] The *res mancipi* is explained from faint and remote lights by Ulpian (Fr ment. tit. xviii. p. 618, 619), and Bynkershoek (Opp. tom. i. p. 306-315). T definition is somewhat arbitrary; and, as none except myself have assigne reason, I am diffident of my own. [The distinction of *res mancipi* and *res mancipi* does not admit of an exact definition, but can be shown only by enume tion. *Res mancipi* were (1) immoveables situated in Italy, (2) rural servitudes in Ita (3) oxen, mules, horses, and asses (quæ collo dorsove domantur), (4) slaves. other things are *res nec mancipi*. The legal importance of this distinction that *res mancipi* alone could be acquired by the process of *mancipation* (wh process, applied to *res nec mancipi*, was void) and that they could not be acqui by Delivery (*traditio*). Thus *res mancipi* meant things that admitted of manci tion (*mancipii*). The different modes of acquiring property (apart from the origi and primary mode: occupation) were six: (1) mancipation, a fictitious sale; *in jure cessio*, a fictitious process before a magistrate (in which the alienator assimilated to the defendant), and applicable to both *res mancipi* and *res nec m cipi*; (3) *traditio*, or simple delivery (implying, of course, certain conditions), c fers full right of property (dominium) in case of *res nec mancipi*; but places a *mancipi* not *in dominio*, but *in bonis* of the receiver, who may convert this inc plete into complete proprietorship by *usucapio*; (4) *usucapio*, the prescript mentioned in the text; (5) *adjudicatio*, a magistrate's award in the case o partition of property; (6) *lex*; this included certain cases connected with inhe ance, and also treasure-trove.]

[144] From this short prescription, Hume (Essays, vol. i. p. 423) infers that th could not *then* be more order and settlement in Italy than *now* amongst the Tarta By the civilian of his adversary Wallace, he is reproached, and not without reas for overlooking the conditions (Institut. l. ii. tit. vi.).

uch conscientious injustice, without any mixture of fraud or orce, could seldom injure the members of a small republic; ut the various periods of three, of ten, or of twenty years, etermined by Justinian, are more suitable to the latitude of great empire.[145] It is only in the term of prescription that he distinction of real and personal fortune has been remarked y the civilians, and their general idea of property is that of imple, uniform, and absolute dominion. The subordinate xceptions of *use*, of *usufruct*,[146] of *servitudes*,[147] imposed for the enefit of a neighbour on lands and houses, are abundantly xplained by the professors of jurisprudence. The claims of roperty, as far as they are altered by the mixture, the division, r the transformation of substances, are investigated with meta- hysical subtlety by the same civilians.

Of inheritance and succession

The personal title of the first proprietor must be determined y his death; but the possession, without any appearance of hange, is peaceably continued in his children, the associates f his toil and the partners of his wealth. This natural inherit- nce has been protected by the legislators of every climate nd age, and the father is encouraged to persevere in slow and istant improvements, by the tender hope that a long posterity will enjoy the fruits of his labour. The *principle* of hereditary uccession is universal, but the *order* has been variously estab- ished by convenience or caprice, by the spirit of national nstitutions, or by some partial example, which was originally ecided by fraud or violence. The jurisprudence of the Romans appears to have deviated from the equality of nature much less than the Jewish,[148] the Athenian,[149] or the English

[145] [This transformed *usucapio*, or prescription, of Justinian was really a com- bination of the usucapio of the Civil Law, which only applied to Italian soil, and he *longi temporis præscriptio*, the analogous institution of prætorian law, which applied to provincial soil. The innovation of Justinian was the logical result of he obliteration of the distinction between Italian and provincial soil.]

[146] See the Institutes (l. i. [*leg.* ii.] tit. iv. v.), and the Pandects (l. vii.). Noodt has composed a learned and distinct treatise de *Usufructu* (Opp. tom. i. p. 387-478).

[147] The questions *de Servitutibus* are discussed in the Institutes (l. ii. tit. iii.), and Pandects (l. viii.). Cicero (pro Murenâ, c. 9) and Lactantius (Institut. Divin. . i. c. i.) affect to laugh at the insignificant doctrine, de aquâ pluviâ arcendâ, &c. Yet it might be of frequent use among litigious neighbours, both in town and country.

[148] Among the patriarchs, the first-born enjoyed a mystic and spiritual primo- geniture (Genesis, xxv. 31). In the land of Canaan he was entitled to a double portion of inheritance (Deuteronomy, xxi. 17, with Le Clerc's judicious Commen- tary).

[149] At Athens the sons were equal, but the poor daughters were endowed at the discretion of their brothers. See the κληρικοί pleadings of Isæus (in the viith volume of the Greek Orators), illustrated by the version and comment of Sir William Jones, a scholar, a lawyer, and a man of genius.

institutions.[150] On the death of a citizen, all his descendant unless they were already freed from his paternal power, wer called to the inheritance of his possessions. The insolen prerogative of primogeniture was unknown; the two sexe were placed on a just level; all the sons and daughters wer entitled to an equal portion of the patrimonial estate; and, i any of the sons had been intercepted by a premature death his person was represented, and his share was divided, by hi surviving children. On the failure of the direct line, th right of succession must diverge to the collateral branches The degrees of kindred[151] are numbered by the civilians ascending from the last possessor to a common parent, an descending from the common parent to the next heir: m father stands in the first degree, my brother in the second his children in the third, and the remainder of the serie may be conceived by fancy, or pictured in a genealogica table. In this computation, a distinction was made, es sential to the laws and even the constitution of Rome. Th *agnats*, or persons connected by a line of males, were called as they stood in the nearest degree, to an equal parti tion; but a female was incapable of transmitting any lega claims; and the *cognats* of every rank, without exceptin the dear relation of a mother and a son, were disinherited b the Twelve Tables, as strangers and aliens. Among the Romans a *gens* or lineage was united by a common *name* and domesti rites; the various *cognomens* or *surnames* of Scipio or Marcellu distinguished from each other the subordinate branches o families of the Cornelian or Claudian race; the default of th *agnats* of the same surname was supplied by the larger denomi nation of *gentiles;* and the vigilance of the laws maintained in the same name, the perpetual descent of religion and property A similar principle dictated the Voconian law,[152] which abolishe

Civil degrees of kindred

[150] In England, the eldest son alone inherits *all* the land: a law, says the ortho dox judge Blackstone (Commentaries on the laws of England, vol. ii. p. 215), unjus only in the opinion of younger brothers. It may be of some political use i sharpening their industry.

[151] Blackstone's Tables (vol. ii. p. 202) represent and compare the degrees of th civil with those of the canon and common law. A separate tract of Julius Paulus de gradibus et affinibus, is inserted or abridged in the Pandects (l. xxxviii. tit. x) In the seventh degrees he computes (No. 18) 1024 persons.

[152] The Voconian law was enacted in the year of Rome 584. The younge Scipio, who was then 17 years of age (Freinshemius, Supplement. Livian. xlvi. 4 [*leg.* 44]), found an occasion of exercising his generosity to his mother, sisters, &c (Polybius, tom. ii. l. xxxi. p. 1453-1464, edit. Gronov. [B. xxxii. c. 12], a domesti witness).

right of female inheritance. As long as virgins were given sold in marriage, the adoption of the wife extinguished hopes of the daughter. But the equal succession of indedent matrons supported their pride and luxury, and might nsport into a foreign house the riches of their fathers. hile the maxims of Cato[153] were revered, they tended to rpetuate in each family a just and virtuous mediocrity: till nale blandishments insensibly triumphed, and every salutary traint was lost in the dissolute greatness of the republic. e rigour of the decemvirs was tempered by the equity of the ætors. Their edicts restored emancipated and posthumous ildren to the rights of nature; and, upon the failure of the *nats*, they preferred the blood of the *cognats* to the name of e gentiles, whose title and character were insensibly covered th oblivion. The reciprocal inheritance of mothers and sons s established in the Tertullian and Orphitian decrees by the [A.D. 543] manity of the senate. A new and more impartial order was troduced by the novels of Justinian, who affected to revive e jurisprudence of the Twelve Tables. The lines of masculine d female kindred were confounded; the descending, ascendg, and collateral series, was accurately defined; and each grɔe, according to the proximity of blood and affection, cceeded to the vacant possessions of a Roman citizen.[154]

The order of succession is regulated by nature, or at least by the general and permanent reason of the lawgiver; but this der is frequently violated by the arbitrary and partial *wills* hich prolong the dominion of the testator beyond the grave.[155] n the simple state of society, this last use or abuse of the right f property is seldom indulged: it was introduced at Athens y the laws of Solon; and the private testaments of the father f a family are authorised by the Twelve Tables. Before the

Introduction and liberty of testaments

[153] Legem Voconiam (Ernesti, Clavis Ciceroniana) magnâ voce bonis lateribus lxv. years of age) suasissem, says old Cato (de Senectute, c. 5). Aulus Gellius i. 13, xvii. 6) has saved some passages.

[154] See the law of succession in the Institutes of Caius (l. ii. tit. viii. p. 130-144), d Justinian (l. iii. tit. i.-vi. with the Greek version of Theophilus, p. 515-575, 8-600), the Pandects (l. xxxviii. tit. vi.-xvii.), the Code (l. vi. tit. lv.-lx), and the ovels (cxviii.). [143, ed. Zach. Accarias regards this law as Justinian's chefœuvre (i. p. 1282).]

[155] That succession was the *rule*, testament the *exception*, is proved by Taylor Clements of Civil Law, p. 519-527), a learned, rambling, spirited writer. In the iid nd iiid books the method of the Institutes is doubtless preposterous; and the hancellor Daguesseau (Oeuvres, tom. i. p. 275) wishes his countryman Domat in e place of Tribonian. Yet *covenants* before *successions* is not surely *the natural der of the civil laws.*

time of the decemvirs,[156] a Roman citizen exposed his wis
and motives to the assembly of the thirty curiæ or parish
and the general law of inheritance was suspended by an oc
sional act of the legislature. After the permission of the
cemvirs each private lawgiver promulgated his verbal or writt
testament in the presence of five citizens, who represented t
five classes of the Roman people; a sixth witness attest
their concurrence; a seventh weighed the copper mon
which was paid by an imaginary purchaser; and the esta
was emancipated by a fictitious sale and immediate relea
This singular ceremony,[157] which excited the wonder of t
Greeks, was still practised in the age of Severus; but t
prætors had already approved a more simple testament,
which they required the seals and signatures of seven w
nesses, free from all legal exception, and purposely summon
for the execution of that important act. A domestic monarc
who reigned over the lives and fortunes of his children, mig
distribute their respective shares according to the degrees
their merit or his affection; his arbitrary displeasure chastis
an unworthy son by the loss of his inheritance and the mor
fying preference of a stranger. But the experience of u
natural parents recommended some limitations of their tes
[A.D. 542] mentary powers. A son, or, by the laws of Justinian, even
daughter, could no longer be disinherited by their silenc
they were compelled to name the criminal, and to specify t
offence; and the justice of the emperor enumerated the s
causes that could justify such a violation of the first princip
of nature and society.[158] Unless a legitimate portion, a fou
part, had been reserved for the children, they were entitl

[156] Prior examples of testaments are perhaps fabulous. At Athens a *child* father only could make a will (Plutarch. in Solone, tom. i. 164 [c. 21]. See Isa and Jones).

[157] The testament of Augustus is specified by Suetonius (in August. c. 101 Neron. c. 4), who may be studied as a code of Roman antiquities. Pluta (Opuscul. tom. ii. p. 976) is surprised ὅταν δὲ διαθήκας γράφωσιν ἑτέρους μὲν ἀπολείπο κληρονόμους, ἕτεροι δὲ πωλοῦσι τὰς οὐσίας. The language of Ulpian (Fragment. xx. p. 627, edit. Schulting) is almost too exclusive—solum in usu est.

[158] Justinian (Novell. cxv. [136, ed. Zachar.] No. 3, 4) enumerates only public and private crimes, for which a son might likewise disinherit his fat [This Novel enumerates, no. 3, fourteen cases in which a parent (grandpar &c.) might validly exclude the children, and, no. 4, nine cases in which children might legitimately exclude their parents. Justinian had already (A.D. Nov. 42) raised the *legitimate portion* from ⅛th to ⅓rd in case the children four or fewer, to ½ in case they were more. The defect in this arrangement that one of a family of 5 would have a larger portion than one of a family o Cp. Accarias, i. p. 964.]

o institute an action or complaint of *inofficious* testament, to uppose that their father's understanding was impaired by ickness or age, and respectfully to appeal from his rigorous entence to the deliberate wisdom of the magistrate. In the Legacies oman jurisprudence, an essential distinction was admitted etween the inheritance and the legacies. The heirs who ucceeded to the entire unity, or to any of the twelve fractions, f the substance of the testator represented his civil and reli- ious character, asserted his rights, fulfilled his obligations, nd discharged the gifts of friendship or liberality which his ast will had bequeathed under the name of legacies. But, as he imprudence or prodigality of a dying man might exhaust he inheritance and leave only risk and labour to his successor, ie was empowered to retain the *Falcidian* portion; to deduct, efore the payment of the legacies, a clear fourth for his own molument. A reasonable time was allowed to examine the roportion between the debts and the estate, to decide whether ie should accept or refuse the testament; and, if he used the enefit of an inventory, the demands of the creditors could ot exceed the valuation of the effects. The last will of a itizen might be altered during his life or rescinded after his leath: the persons whom he named might die before him, or eject the inheritance, or be exposed to some legal disqualifica- ion. In the contemplation of these events, he was permitted o substitute second and third heirs, to replace each other ccording to the order of the testament; and the incapacity f a madman or an infant to bequeath his property might be upplied by a similar substitution.[159] But the power of the estator expired with the acceptance of the testament; each Roman of mature age and discretion acquired the absolute lominion of his inheritance, and the simplicity of the civil law vas never clouded by the long and intricate entails which confine the happiness and freedom of unborn generations.

Conquest and the formalities of law established the use of Codicils and trusts *odicils*. If a Roman was surprised by death in a remote province f the empire, he addressed a short epistle to his legitimate or estamentary heir; who fulfilled with honour, or neglected with

[159] The *substitutions fidei-commissaires* of the modern civil law is a feudal idea rafted on the Roman jurisprudence, and bears scarcely any resemblance to the ncient fidei-commissa (Institutions du Droit François, tom. i. p. 347-383; Denissart, Décisions de Jurisprudence, tom. iv. p. 577-604). They were stretched o the fourth degree by an abuse of the clixth Novel; a partial, perplexed, declamatory law.

impunity, this last request, which the judges before the age of Augustus were not authorised to enforce. A codicil might be expressed in any mode, or in any language; but the subscription of five witnesses must declare that it was the genuine composition of the author. His intention, however laudable, was sometimes illegal; and the invention of *fidei-commissa*, or trusts, arose from the struggle between natural justice and positive jurisprudence. A stranger of Greece or Africa might be the friend or benefactor of a childless Roman; but none, except a fellow-citizen, could act as his heir. The Voconian law, which abolished female succession, restrained the legacy or inheritance of a woman to the sum of one hundred thousand sesterces;[160] and an only daughter was condemned almost as an alien in her father's house. The zeal of friendship and parental affection suggested a liberal artifice: a qualified citizen was named in the testament, with a prayer or injunction that he would restore the inheritance to the person for whom it was truly intended. Various was the conduct of the trustees in this painful situation: they had sworn to observe the laws of their country, but honour prompted them to violate their oath; and, if they preferred their interest under the mask of patriotism, they forfeited the esteem of every virtuous mind. The declaration of Augustus relieved their doubts, gave a legal sanction to confidential testaments and codicils, and gently unravelled the forms and restraints of the republican jurisprudence.[161] But, as the new practice of trusts degenerated into some abuse, the trustee was enabled, by the Trebellian and Pegasian decrees, to reserve one-fourth of the estate, or to transfer on the heir of the real heir all the debts and actions of the succession. The interpretation of testaments was strict and literal; but the language of *trusts* and codicils was delivered from the minute and technical accuracy of the civilians.[162]

III. Of actions

III. The general duties of mankind are imposed by their public and private relations; but their specific *obligations* to each other can only be the effect of 1. a promise, 2. a benefit, or

[160] Dion Cassius (tom. ii. l. lvi. p. 814 [c. 10] with Reimar's Notes) specifies in Greek money the sum of 25,000 drachms.

[161] The revolutions of the Roman laws of inheritance are finely, though sometimes fancifully, deduced by Montesquieu (Esprit des Loix, l. xxvii.).

[162] Of the civil jurisprudence of successions, testaments, codicils, legacies, and trusts, the principles are ascertained in the Institutes of Caius (l. ii. tit. ii.-ix. p. 91-144), Justinian (l. ii. tit. x-xxv.), and Theophilus (p. 328-514); and the immense detail occupies twelve books (xxviii-xxxix.) of the Pandects.

injury; and, when these obligations are ratified by law, the terested party may compel the performance by a judicial *action*. n this principle the civilians of every country have erected a nilar jurisprudence, the fair conclusion of universal reason and stice.[163]

Promises

1. The goddess of *faith* (of human and social faith) was orshipped, not only in her temples, but in the lives of the omans; and, if that nation was deficient in the more amiable ialities of benevolence and generosity, they astonished the reeks by their sincere and simple performance of the most urthensome engagements.[164] Yet among the same people, ac-ording to the rigid maxims of the patricians and decemvirs, a *aked pact*, a promise, or even an oath, did not create any civil obli-ation, unless it was confirmed by the legal form of a *stipulation*. Vhatever might be the etymology of the Latin word, it con-eyed the idea of a firm and irrevocable contract, which was lways expressed in the mode of a question and answer. Do ou promise to pay me one hundred pieces of gold? was the olemn interrogation of Seius. I do promise—was the reply f Sempronius. The friends of Sempronius, who answered for is ability and inclination, might be separately sued at the ption of Seius; and the benefit of partition, or order of re-iprocal actions, insensibly deviated from the strict theory of tipulation. The most cautious and deliberate consent was ustly required to sustain the validity of a gratuitous promise; nd the citizen who might have obtained a legal security in-urred the suspicion of fraud, and paid the forfeit of his neglect. But the ingenuity of the civilians successfully laboured to con-ert simple engagements into the form of solemn stipulations. The prætors, as the guardians of social faith, admitted every ational evidence of a voluntary and deliberate act, which in heir tribunal produced an equitable obligation, and for which hey gave an action and a remedy.[165]

[163] The Institutes of Caius (l. ii. tit. ix. x. p. 144-214), of Justinian (l. iii. tit. iv-xxx. l. iv. tit. i-vi.), and of Theophilus (p. 616-837), distinguish four sorts of bligations—aut *re*, aut *verbis*, aut *literis*, aut *consensu*; but I confess myself artial to my own division. [More accurately, obligations are the effect of either 1) contract or (2) delict, and there are four forms of contract—aut *re*, &c. The uthor's attempt to improve the division is not successful.]

[164] How much is the cool, rational evidence of Polybius (l. vi. p. 693, [c. 56] xxxi. p. 1459, 1460 [xxxii. 12]) superior to vague, indiscriminate applause—omnium naxime et præcipue fidem coluit (A. Gellius, xx. 1).

[165] The Jus Prætorium de Pactis et Transactionibus is a separate and satis-factory treatise of Gerard Noodt (Opp. tom. i. p. 483-564). And I will here observe

Benedix

2. The obligations of the second class, as they were contracted by the delivery of a thing, are marked by the civilians with the epithet of real.[166] A grateful return is due to the author of a benefit; and whoever is entrusted with the property of another has bound himself to the sacred duty of restitution. In the case of a friendly loan the merit of generosity is on the side of the lender only, in a deposit on the side of the receiver; but in a *pledge*, and the rest of the selfish commerce of ordinary life, the benefit is compensated by an equivalent, and the obligation to restore is variously modified by the nature of the transaction. The Latin language very happily expresses the fundamental difference between the *commodatum* and the *mutuum*, which our poverty is reduced to confound under the vague and common appellation of a loan. In the former, the borrower was obliged to restore the same individual thing with which he had been *accommodated* for the temporary supply of his wants; in the latter, it was destined for his use and consumption, and he discharged this *mutual* engagement by substituting the same specific value, according to a just estimation of number, of weight, and of measure. In the contract of *sale*, the absolute dominion is transferred to the purchaser, and he repays the benefit with an adequate sum of gold or silver, the price and universal standard of all earthly possessions. The obligation of another contract, that of *location*, is of a more complicated kind. Lands or houses, labour or talents, may be hired for a definite term; at the expiration of the time, the thing itself must be restored to the owner, with an additional reward for the beneficial occupation and employment. In these lucrative contracts, to which may be added those of partnership and commissions, the civilians sometimes imagine the delivery of the object, and sometimes presume the consent of the parties. The substantial

that the universities of Holland and Brandenburgh, in the beginning of the present century, appear to have studied the civil law on the most just and liberal principles. [The prætorian legislation on pacts seems to have guaranteed merely pacts which tended to extinguish obligations (*de non petendo*), and not those which created obligations. It was thus an extension of certain exceptions which the Law of the Twelve Tables had already admitted to the doctrine that a nude pact creates no obligation. The most important of those exceptions was that which allowed a pact to extinguish an action *furti* or *injuriarum*. Accarias, 2, p. 393-5.]

[166] The nice and various subject of contracts by consent is spread over four books (xvii-xx.) of the Pandects, and is one of the parts best deserving of the attention of an English student. [The difference between contracts *re* and *consensu* is not clearly enough brought out. (*a*) *Mutuum* and (*b*) *commodatum*, deposit and pledge are contracts *re*; while sales, locations, partnerships and commissions are contracts *consensu*.]

dge has been refined into the invisible rights of a mortgage *hypotheca;* and the agreement of sale, for a certain price, im-tes, from that moment, the chances of gain or loss to the count of the purchaser. It may be fairly supposed that every n will obey the dictates of his interest; and, if he accepts e benefit, he is obliged to sustain the expense, of the transac-n In this boundless subject, the historian will observe the *ation* of land and money, the rent of the one and the interest the other, as they materially affect the prosperity of agricul-re and commerce. The landlord was often obliged to advance e stock and instruments of husbandry, and to content himself th a partition of the fruits. If the feeble tenant was op-essed by accident, contagion, or hostile violence, he claimed proportionable relief from the equity of the laws; five years ere the customary term, and no solid or costly improvements uld be expected from a farmer who, at each moment, might e ejected by the sale of the estate.[167] Usury,[168] the inveter- Interest of money
e grievance of the city, had been discouraged by the Twelve ables,[169] and abolished by the clamours of the people. It was vived by their wants and idleness, tolerated by the discretion the prætors, and finally determined by the Code of Justinian. ersons of illustrious rank were confined to the moderate profit

[167] The covenants of rent are defined in the Pandects (l. xix.) and the Code (l. iv. . lxv.). The quinquennium, or term of five years, appears to have been a custom ther than a law; but in France all leases of land were determined in nine years. his limitation was removed only in the year 1775 (Encyclopedie Méthodique, tom. de la Jurisprudence, p. 668, 669); and I am sorry to observe that it yet prevails the beauteous and happy country where I am permitted to reside.

[168] I might implicitly acquiesce in the sense and learning of the three books of . Noodt, de fœnore et usuris (Opp. tom. i. p. 175-268). The interpretation of e *asses* or *centesimae usurae* at twelve, the *unciariae* at one per cent. is maintained the best critics and civilians: Noodt (l. ii. c. 2, p. 207), Gravina (Opp. p. 205, c. 210), Heineccius (Antiquitat. ad Institut. l. iii. tit. xv.), Montesquieu (Esprit es Loix, l. xxii. c. 22, tom. ii. p. 36. Défense de l' Esprit des Loix, tom. iii. p. 8, &c.), and above all John Frederic Gronovius (de Pecuniâ Veteri, l. iii. c. 13, p. 3-227 and his three Antexegeses, p. 455-655), the founder, or at least the champion, this probable opinion; which is however perplexed with some difficulties. [The ntesima usura which subsisted from the later republic to Justinian was 12 per nt. (one hundredth of the capital per month). It is still a question whether the enus unciarium of the xii. Tables was the same (12 per cent.), or $\frac{1}{12}$ of the pital.]

[169] Primo xii. tabulis sanctitum est nequis unciario fœnore amplius exerceret Tacit. Annal. vi. 16). Pour peu (says Montesquieu, Esprit des Loix, l. xxii. c. 2) qu'on soit versé dans l'histoire de Rome, on verra qu'une pareille loi ne devoit as être l'ouvrage des décemvirs. Was Tacitus ignorant—or stupid? But the wiser nd more virtuous patricians might sacrifice their avarice to their ambition, and ight attempt to check the odious practice by such interest as no lender would ccept, and such penalties as no debtor would incur.

of four *per cent.*; six was pronounced to be the ordinary a legal standard of interest; eight was allowed for the co venience of manufacturers and merchants; twelve was grant to nautical insurance, which the wiser ancients had not attempt to define; but, except in this perilous adventure, the practice exorbitant usury was severely restrained.[170] The most simp interest was condemned by the clergy of the East and West; but the sense of mutual benefit, which had triumphed over th laws of the republic, has resisted with equal firmness th decrees of the church and even the prejudices of mankind.[172]

Injuries

3. Nature and society impose the strict obligation of repai ing an injury; and the sufferer by private injustice acquires personal right and a legitimate action. If the property another be entrusted to our care, the requisite degree of ca may rise and fall according to the benefit which we derive fro such temporary possession; we are seldom made responsib for inevitable accident, but the consequences of a voluntar fault must always be imputed to the author.[173] A Roma pursued and recovered his stolen goods by a civil action theft; they might pass through a succession of pure an innocent hands, but nothing less than a prescription of thirt years could extinguish his original claim. They were restore by the sentence of the prætor, and the injury was compensate by double, or threefold, or even quadruple damages, as th deed had been perpetrated by secret fraud or open rapine, the robber had been surprised in the fact or detected by subsequent research. The Aquilian law[174] defended the livin property of a citizen, his slaves and cattle, from the stroke

[170] Justinian has not condescended to give usury a place in his Institutes; b the necessary rules and restrictions are inserted in the Pandects (l. xxii. tit. i. ii and the Code (l. iv. tit. xxxii. xxxiii.).

[171] The fathers are unanimous (Barbeyrac, Morale des Pères, p. 144, &c. Cyprian, Lactantius, Basil, Chrysostom (see his frivolous arguments in Noodt, l. c. 7, p. 188), Gregory of Nyssa, Ambrose, Jerom, Augustin, and a host councils and casuists.

[172] Cato, Seneca, Plutarch, have loudly condemned the practice or abuse usury. According to the etymology of *fœnus* and τόκος, the principal is suppose to *generate* the interest: a breed of barren metal, exclaims Shakspeare—and t stage is the echo of the public voice. [Cp. Aristotle, Politics, i. 10 *ad fin.*]

[173] Sir William Jones has given an ingenious and rational Essay on the law Bailment (London, 1781, p. 127, in 8vo). He is perhaps the only lawyer equal conversant with the year-books of Westminster, the commentaries of Ulpian, t Attic pleadings of Isæus, and the sentences of Arabian and Persian cadhis.

[174] Noodt (Opp. tom. i. p. 137-172) has composed a separate treatise, Legem Aquiliam (Pandect. l. ix. tit. ii.).

lice or negligence; the highest price was allowed that could ascribed to the domestic animal at any moment of the year eceding his death; a similar latitude of thirty days was anted on the destruction of any other valuable effects. A rsonal injury is blunted or sharpened by the manners of the nes and the sensibility of the individual; the pain or the grace of a word or blow cannot easily be appreciated by a cuniary equivalent. The rude jurisprudence of the decemvirs d confounded all hasty insults, which did not amount to the cture of a limb, by condemning the aggressor to the common nalty of twenty-five *asses*. But the same denomination of oney was reduced, in three centuries, from a pound to the ight of half an ounce; and the insolence of a wealthy Roman dulged himself in the cheap amusement of breaking and isfying the law of the Twelve Tables. Veratius ran through e streets striking on the face the inoffensive passengers, and attendant purse-bearer immediately silenced their clamours the legal tender of twenty-five pieces of copper, about the lue of one shilling.[175] The equity of the prætors examined d estimated the distinct merits of each particular complaint. the adjudication of civil damages, the magistrate assumed ight to consider the various circumstances of time and place, age and dignity, which may aggravate the shame and suffer-gs of the injured person; but, if he admitted the idea of fine, a punishment, an example, he invaded the province, ough, perhaps, he supplied the defects, of the criminal law. The execution of the Alban dictator, who was dismembered eight horses, is represented by Livy as the first and t instance of Roman cruelty in the punishment of the most rocious crimes.[176] But this act of justice, or revenge, was licted on a foreign enemy in the heat of victory, and at the mmand of a single man. The Twelve Tables afford a more cisive proof of the national spirit, since they were framed by e wisest of the senate and accepted by the free voices of the ople; yet these laws, like the statutes of Draco,[177] are written

IV. Of crimes and punishments

Severity of the Twelve Tables

[175] Aulus Gellius (Noct. Attic. xx. 1.) borrowed his story from the commentaries Q. Labeo on the xii tables.

[176] The narrative of Livy (i. 28) is weighty and solemn. At tu dictis Albane neres is an harsh reflection, unworthy of Virgil's humanity (Æneid, viii. 643). yne, with his usual good taste, observes that the subject was too horrid for the eld of Æneas (tom. iii. p. 229).

[177] The age of Draco (Olympiad xxxix. 1) is fixed by Sir John Marsham (Canon ronicus, p. 593-596) and Corsini (Fasti Attici, tom. iii. p. 62). For his laws, see writers on the government of Athens, Sigonius, Meursius, Potter, &c.

in characters of blood.[178] They approve the inhuman and u equal principle of retaliation; and the forfeit of an eye for a eye a tooth for a tooth, a limb for a limb, is rigorously exacte unless the offender can redeem his pardon by a fine of thre hundred pounds of copper. The decemvirs distributed wit much liberality the slighter chastisements of flagellation an servitude; and nine crimes of a very different complexion a adjudged worthy of death. 1. Any act of *treason* against th state, or of correspondence with the public enemy. The mod of execution was painful and ignominious: the head of th degenerate Roman was shrouded in a veil, his hands were tie behind his back, and, after he had been scourged by the licto he was suspended in the midst of the forum on a cross, or i auspicious tree. 2. Nocturnal meetings in the city; whateve might be the pretence—of pleasure, or religion, or the publ good. 3. The murder of a citizen; for which the common fee ings of mankind demand the blood of the murderer. Poiso is still more odious than the sword or dagger; and we are su prised to discover, in two flagitious events, how early suc subtle wickedness had infected the simplicity of the republ and the chaste virtues of the Roman matrons.[179] The parricid who violated the duties of nature and gratitude was cast int the river or the sea, enclosed in a sack; and a cock, a viper, a do and a monkey, were successively added as the most suitab companions.[180] Italy produces no monkeys; but the want coul never be felt, till the middle of the sixth century first reveale the guilt of a parricide.[181] 4. The malice of an *incendiar*

[178] The viith, de delictis, of the xii. tables is delineated by Gravina (Opp. 292, 293, with a Commentary, p. 214-230). Aulus Gellius (xx. 1) and the Collat Legum Mosaicarum et Romanarum afford much original information.

[179] Livy mentions two remarkable and flagitious æras, of 3000 persons accuse and of 190 noble matrons convicted, of the crime of poisoning (xl. 43, viii. 18). M Hume discriminates the ages of private and public virtue (Essays, vol. i. p. 22, 2 I would rather say that such ebullitions of mischief (as in France in the year 168 are accidents and prodigies which leave no marks on the manners of a nation.

[180] The xii. Tables and Cicero (pro Roscio Amerino, c. 25, 26) are content wi the sack; Seneca (Excerpt. Controvers. v. 4) adorns it with serpents: Juvenal piti the guiltless monkey (innoxia simia—Satir. xiii. 156). Hadrian (apud Dositheu Magistrum, l. iii. c. 16, p. 874-876, with Schulting's Note), Modestinus (Pande xlviii. tit ix. leg. 9), Constantine (Cod. l. ix. tit. xvii.), and Justinian (Institut. iv. tit. xviii.), enumerate all the companions of the parricide. But this fanci execution was simplified in practice. Hodie tamen vivi exuruntur vel ad besti dantur (Paul. Sentent. Recept. l. v. tit. xxiv. p. 512, edit. Schulting).

[181] The first parricide at Rome was L. Ostius, after the second Punic w (Plutarch in Romulo, tom. i. p. 57). During the Cimbric, P. Malleolus was guil of the first matricide (Liv. Epitom. l. lxviii.).

fter the previous ceremony of whipping, he himself was de-vered to the flames; and in this example alone our reason is mpted to applaud the justice of retaliation. 5. *Judicial perjury.* he corrupt or malicious witness was thrown headlong from ne Tarpeian rock to expiate his falsehood, which was rendered ill more fatal by the severity of the penal laws and the de-ciency of written evidence. 6. The corruption of a judge ho accepted bribes to pronounce an iniquitous sentence. 7. ibels and satires, whose rude strains sometimes disturbed the eace of an illiterate city. The author was beaten with clubs, worthy chastisement, but it is not certain that he was left to xpire under the blows of the executioner.[182] 8. The nocturnal ischief of damaging or destroying a neighbour's corn. The riminal was suspended as a grateful victim to Ceres. But the ylvan deities were less implacable, and the extirpation of a ore valuable tree was compensated by the moderate fine of venty-five pounds of copper. 9. Magical incantations; which ad power, in the opinion of the Latin shepherds, to exhaust ne strength of an enemy, to extinguish his life, and to remove om their seats his deep-rooted plantations. The cruelty of ne Twelve Tables against insolvent debtors still remains to be old; and I shall dare to prefer the literal sense of antiquity o the specious refinements of modern criticism.[183] After the udicial proof or confession of the debt, thirty days of grace ere allowed before a Roman was delivered into the power f his fellow-citizen. In this private prison, twelve ounces of ce were his daily food; he might be bound with a chain of fteen pounds weight; and his misery was thrice exposed in ne market-place to solicit the compassion of his friends and ountrymen. At the expiration of thirty days, the debt was ischarged by the loss of liberty or life; the insolvent debtor as either put to death or sold in foreign slavery beyond the iber; but, if several creditors were alike obstinate and unre-enting, they might legally dismember his body, and satiate

[182] Horace talks of the formidine fustis (l. ii. epist. ii. [*leg.* i.] 154); but Cicero (de epublicâ, l. iv. apud Augustin. de Civitat. Dei, ix. 6, in Fragment. Philosoph. tom. . p. 393, edit. Olivet) affirms that the decemvirs made libels a capital offence: im perpaucas res capite sanxissent—*perpaucas!*

[183] Bynkershoek (Observat. Juris Rom. l. i. c. 1, in Opp. tom. i. p. 9, 10, 11) bours to prove that the creditors divided not the *body*, but the *price*, of the in-olvent debtor. Yet his interpretation is one perpetual harsh metaphor; nor can he urmount the Roman authorities of Quintilian, Cæcilius, Favonius, Tertullian. See ulus Gellius, Noct. Attic. xx. 1.

their revenge by this horrid partition. The advocates for this savage law have insisted that it must strongly operate in deterring idleness and fraud from contracting debts which they were unable to discharge; but experience would dissipate this salutary terror, by proving that no creditor could be found to exact this unprofitable penalty of life or limb. As the manners of Rome were insensibly polished, the criminal code of the decemvirs was abolished by the humanity of accusers, witnesses, and judges; and impunity became the consequence of immoderate rigour. The Porcian and Valerian laws prohibited the magistrates from inflicting on a free citizen any capital, or even corporal, punishment; and the obsolete statutes of blood were artfully, and perhaps truly, ascribed to the spirit, not of patrician, but of regal, tyranny.

Abolition or oblivion of penal laws

In the absence of penal laws and the insufficiency of civil actions, the peace and justice of the city were imperfectly maintained by the private jurisdiction of the citizens. The malefactors who replenish our gaols are the outcasts of society, and the crimes for which they suffer may be commonly ascribed to ignorance, poverty, and brutal appetite. For the perpetration of similar enormities, a vile plebeian might claim and abuse the sacred character of a member of the republic; but, on the proof or suspicion of guilt, the slave or the stranger was nailed to a cross, and this strict and summary justice might be exercised without restraint over the greatest part of the populace of Rome. Each family contained a domestic tribunal, which was not confined, like that of the prætor, to the cognizance of external actions; virtuous principles and habits were inculcated by the discipline of education; and the Roman father was accountable to the state for the manners of his children, since he disposed, without appeal, of their life, their liberty, and their inheritance. In some pressing emergencies, the citizen was authorised to avenge his private or public wrongs. The consent of the Jewish, the Athenian, and the Roman laws, approved the slaughter of the nocturnal thief; though in open day-light a robber could not be slain without some previous evidence of danger and complaint. Whoever surprised an adulterer in his nuptial bed might freely exercise his revenge;[184] the most bloody

[184] The first speech of Lysias (Reiske, Orator. Græc. tom. v. p. 2-48) is in defence of an husband who had killed the adulterer. The right of husbands and fathers at Rome and Athens is discussed with much learning by Dr. Taylor (Lectiones Lysiacæ, c. ix. in Reiske, tom. vi. p. 301-308).

r wanton outrage was excused by the provocation ;[185] nor was it efore the reign of Augustus that the husband was reduced to veigh the rank of the offender, or that the parent was con-emned to sacrifice his daughter with her guilty seducer. After he expulsion of the kings, the ambitious Roman who should are to assume their title or imitate their tyranny was devoted o the infernal gods ; each of his fellow-citizens was armed with sword of justice ; and the act of Brutus, however repugnant o gratitude or prudence, had been already sanctified by the udgment of his country.[186] The barbarous practice of wearing rms in the midst of peace,[187] and the bloody maxims of honour, vere unknown to the Romans ; and, during the two purest ages, rom the establishment of equal freedom to the end of the unic wars, the city was never disturbed by sedition, and rarely olluted with atrocious crimes. The failure of penal laws was nore sensibly felt when every vice was inflamed by faction at ome and dominion abroad. In the time of Cicero, each private itizen enjoyed the privilege of anarchy ; each minister of the epublic was exalted to the temptations of regal power ; and heir virtues are entitled to the warmest praise as the spon-aneous fruits of nature or philosophy. After a triennial indul-ence of lust, rapine, and cruelty, Verres, the tyrant of Sicily, ould only be sued for the pecuniary restitution of three hun-red thousand pounds sterling ; and such was the temper of the aws, the judges, and perhaps the accuser himself,[188] that, on efunding a thirteenth part of his plunder, Verres could retire o an easy and luxurious exile.[189]

[185] See Casaubon ad Athenæum, l. i. c. 5, p. 19. Percurrent raphanique mugi-sque (Catull. p. 41, 42, edit. Vossian. [15, 18]). Hunc mugilis intrat (Juvenal Satir. 3 17). Hunc perminxere calones (Horat. l. i. Satir. ii. 44) ; familiæ stuprandum edit [*leg.* obiecit] . . . fraudi non fuit (Val. Maxim. l. vi. c. 1, No. 13).

[186] This law is noticed by Livy (ii. 8), and Plutarch (in Publicolâ, tom. i. p. 187 . 12]) ; and it fully justifies the public opinion on the death of Cæsar, which uetonius could publish under the Imperial government. Jure cæsus existimatur n Julio, c. 76). Read the letters that passed between Cicero and Matius a few ionths after the ides of March (ad Fam. xi. 27, 28).

[187] Πρῶτοι δὲ Ἀθηναῖοι τόν τε σίδηρον κατέθεντο. Thucydid. l. i. c. 6. The historian ho considers this circumstance as the test of civilization would disdain the barbarism f an European court.

[188] He first rated at *millies* (800,000l.) the damages of Sicily (Divinatio in Cæci-um, c. 5), which he afterwards reduced to *quadringenties* (320,000l.)—(1 Actio in errem, c. 18), and was finally content with *tricies* (24,000l.). Plutarch (in Cice-on. tom. iii. p. 1584) has not dissembled the popular suspicion and report.

[189] Verres lived near thirty years after his trial, till the second triumvirate, when e was proscribed by the taste of Mark Antony for the sake of his Corinthian plate Plin. Hist. Natur. xxxiv. 3).

Revival of capital punishments

The first imperfect attempt to restore the proportion of crime and punishments was made by the dictator Sylla, who, in the midst of his sanguinary triumph, aspired to restrain the licence rather than to oppress the liberty, of the Romans. He glories in the arbitrary proscription of four thousand seven hundred citizens.[190] But in the character of a legislator he respected the prejudices of the times; and, instead of pronouncing a sentence of death against the robber or assassin, the general who betrayed an army, or the magistrate who ruined a province, Sylla was content to aggravate the pecuniary damages by the penalty of exile, or, in more constitutional language, by the interdiction of fire and water. The Cornelian, and afterwards the Pompeian and Julian laws introduced a new system of criminal jurisprudence;[191] and the emperors, from Augustus to Justinian, disguised their increasing rigour under the names of the original authors. But the invention and frequent use of *extraordinary pains* proceeded from the desire to extend and conceal the progress of despotism. In the condemnation of illustrious Romans the senate was always prepared to confound, at the will of their masters, the judicial and legislative powers. It was the duty of the governors to maintain the peace of their province by the arbitrary and rigid administration of justice; the freedom of the city evaporated in the extent of empire, and the Spanish malefactor who claimed the privilege of a Roman was elevated by the command of Galba on a fairer and more lofty cross.[192] Occasional rescripts issued from the throne to decide the questions which, by their novelty or importance, appeared to surpass the authority and discernment of a proconsul. Transportation and beheading were reserved for honourable persons; meaner criminals were either hanged or burnt, or buried in the mines, or exposed to the wild beasts of the amphitheatre.

[190] Such is the number assigned by Valerius Maximus (l. ix. c. 2, No. 1). Florus (iv. 21 [*leg.* iii. 21 (= ii. 9)]) distinguishes 2000 senators and knights. Appian (de Bell. Civil. l. i. c. 95, tom. ii. p. 133, edit. Schweighæuser) more accurately computes 40 victims of the senatorian rank, and 1600 of the equestrian census or order.

[191] For the penal laws (leges Corneliæ, Pompeiæ, Juliæ, of Sylla, Pompey, and the Cæsars), see the sentences of Paulus (l. iv. tit. xviii-xxx. p. 497-528, edit. Schulting), the Gregorian Code (Fragment, l. xix. p. 705, 706, in Schulting), the Collatio Legum Mosaicarum et Romanarum (tit. i. xv.), the Theodosian Code (l. ix.), the Code of Justinian (l. ix.), the Pandects (xlviii.), the Institutes (l. iv. tit. xviii.), and the Greek version of Theophilus (p. 917-926).

[192] It was a guardian who had poisoned his ward. The crime was atrocious; yet the punishment is reckoned by Suetonius (c. 9) among the acts in which Galba shewed himself acer vehemens, et in delictis coercendis immodicus.

rmed robbers were pursued and extirpated as the enemies of ciety; the driving away horses or cattle was made a capital fence;[193] but simple theft was uniformly considered as a mere vil and private injury. The degrees of guilt and the modes of unishment were too often determined by the discretion of the lers, and the subject was left in ignorance of the legal danger hich he might incur by every action of his life.

Measure of guilt

A sin, a vice, a crime, are the objects of theology, ethics, and urisprudence. Whenever their judgments agree, they corro- orate each other; but, as often as they differ, a prudent legis- tor appreciates the guilt and punishment according to the easure of social injury. On this principle, the most daring ttack on the life and property of a private citizen is judged less trocious than the crime of treason or rebellion, which invades he *majesty* of the republic; the obsequious civilians unanimously ronounced that the republic is contained in the person of its hief; and the edge of the Julian law was sharpened by the ncessant diligence of the emperors. The licentious commerce f the sexes may be tolerated as an impulse of nature, or for- idden as a source of disorder and corruption; but the fame, the ortunes, the family of the husband are seriously injured by the dultery of the wife. The wisdom of Augustus, after curbing he freedom of revenge, applied to this domestic offence the nimadversion of the laws; and the guilty parties, after the pay- ent of heavy forfeitures and fines, were condemned to long or erpetual exile in two separate islands.[194] Religion pronounces n equal censure against the infidelity of the husband; but, as t is not accompanied by the same civil effects, the wife was ever permitted to vindicate her wrongs;[195] and the distinction f simple or double adultery, so familiar and so important in the anon law, is unknown to the jurisprudence of the Code and

[193] The abactores, or abigeatores, who drove one horse, or two mares or oxen, or ve hogs, or ten goats, were subject to capital punishment (Paul. Sentent. Recept. iv. tit. xviii. p. 497, 498). Hadrian (ad Concil. Bæticæ), most severe where the ffence was most frequent, condemns the criminals, ad gladium, ludi damnationem Ulpian, de Officio Proconsulis, l. viii. in Collatione Legum Mosaic. et Rom. tit. i. p. 235).

[194] Till the publication of the Julius Paulus of Schulting (l. ii. tit. xxvi. p. 317-23), it was affirmed and believed that the Julian laws punished adultery with death; nd the mistake arose from the fraud or error of Tribonian. Yet Lipsius had sus- ected the truth from the narratives of Tacitus (Annal. ii. 50, iii. 24, iv. 42), and ven from the practice of Augustus, who distinguished the *treasonable* frailties of is female kindred.

[195] In cases of adultery, Severus confined to the husband the right of public accu- ation (Cod. Justinian, l. ix. tit. ix. leg. 1). Nor is this privilege unjust—so different re the effects of male or female infidelity.

Unnatural vice

Pandects. I touch with reluctance, and dispatch with in patience, a more odious vice, of which modesty rejects the nam and nature abominates the idea. The primitive Romans we infected by the example of the Etruscans[196] and Greeks;[197] the mad abuse of prosperity and power, every pleasure that innocent was deemed insipid; and the Scatinian law,[198] whic had been extorted by an act of violence, was insensibly abolishe by the lapse of time and the multitude of criminals. By th law, the rape, perhaps the seduction, of an ingenuous youth wa compensated, as a personal injury, by the poor damages of te thousand sesterces, or fourscore pounds; the ravisher might b slain by the resistance or revenge of chastity; and I wish t believe that at Rome, as in Athens, the voluntary and effeminat deserter of his sex was degraded from the honours and th rights of a citizen.[199] But the practice of vice was not dis couraged by the severity of opinion; the indelible stain of man hood was confounded with the more venial transgressions o fornication and adultery; nor was the licentious lover expose to the same dishonour which he impressed on the male o female partner of his guilt. From Catullus to Juvenal,[200] th poets accuse and celebrate the degeneracy of the times, and th reformation of manners was feebly attempted by the reason an authority of the civilians, till the most virtuous of the Cæsar proscribed the sin against nature as a crime against society.[201]

[196] Timon [*leg.* Timæus] (l. i.) and Theopompus (l. xliii. apud Athenæum, l. xi p. 517 [c. 14]) describe the luxury and lust of the Etruscans: πολὺ μέντοι γε χαίρουσ συνόντες τοῖς παισὶ καὶ τοῖς μειρακίοις. About the same period (A.U.C. 445), th Roman youth studied in Etruria (Liv. ix. 36).

[197] The Persians had been corrupted in the same school: ἀπ' Ἑλλήνων μαθόντ παισὶ μίσγονται (Herodot. l. i. c. 135). A curious dissertation might be formed o the introduction of pæderasty after the time of Homer, its progress among th Greeks of Asia and Europe, the vehemence of their passions, and the thin device virtue and friendship which amused the philosophers of Athens. But, scelera o tendi oportet dum puniuntur, abscondi flagitia.

[198] The name, the date, and the provisions of this law are equally doubtfu (Gravina, Opp. p. 432, 433. Heineccius, Hist. Jur. Rom. No. 108. Ernesti, Cla Ciceron. in Indice Legum). But I will observe that the *nefanda* Venus of th honest German is styled *aversa* by the more polite Italian.

[199] See the oration of Æschines against the catamite Timarchus (in Reiske, Orato Græc. tom. iii. p. 21-184).

[200] A crowd of disgraceful passages will force themselves on the memory of th classic reader: I will only remind him of the cool declaration of Ovid:

Odi concubitus qui non utrumque resolvunt.
Hoc est quod puerum tangar amore *minus*.

[201] Ælius Lampridius, in Vit. Heliogabal, in Hist. August. p. 112 [xvii. 32, 6 Aurelius Victor, in Philippo [*Caes.*, 28], Codex Theodos. l. ix. tit. vii. leg. 7 [*leg.* 6 A.D. 390], and Godefroy's Commentary, tom. iii. p. 63. Theodosius abolished th subterraneous brothels of Rome, in which the prostitution of both sexes was acte with impunity.

A new spirit of legislation, respectable even in its error, arose the empire with the religion of Constantine.[202] The laws of oses were received as the divine original of justice, and the ristian princes adapted their penal statutes to the degrees of oral and religious turpitude. Adultery was first declared to a capital offence; the frailty of the sexes was assimilated to ison or assassination, to sorcery or parricide; the same penal- es were inflicted on the passive and active guilt of pæderasty; d all criminals of free and servile condition were either owned or beheaded, or cast alive into the avenging flames. ne adulterers were spared by the common sympathy of man- nd; but the lovers of their own sex were pursued by general d pious indignation; the impure manners of Greece still evailed in the cities of Asia, and every vice was fomented by ne celibacy of the monks and clergy. Justinian relaxed the nishment at least of female infidelity; the guilty spouse was ly condemned to solitude and penance, and at the end of two ars she might be recalled to the arms of a forgiving husband. ut the same emperor declared himself the implacable enemy unmanly lust, and the cruelty of his persecution can scarcely excused by the purity of his motives.[203] In defiance of every inciple of justice, he stretched to past as well as future offences ne operations of his edicts, with the previous allowance of a ort respite for confession and pardon. A painful death was flicted by the amputation of the sinful instrument, or the sertion of sharp reeds into the pores and tubes of most ex- uisite sensibility; and Justinian defended the propriety of the ecution, since the criminals would have lost their hands, had ey been convicted of sacrilege. In this state of disgrace and ony, two bishops, Isaiah of Rhodes and Alexander of Diospolis, ere dragged through the streets of Constantinople, while their ethren were admonished, by the voice of a crier, to observe is awful lesson, and not to pollute the sanctity of their aracter. Perhaps these prelates were innocent. A sentence death and infamy was often founded on the slight and sus- cious evidence of a child or a servant; the guilt of the green ction, of the rich, and of the enemies of Theodora, was pre-

Rigour of the Christian emperors

202 See the laws of Constantine and his successors against adultery, sodomy, &c. the Theodosian (l. ix. tit. vii. leg. 7; l. xi. tit. xxxvi. leg. 1, 4), and Justinian des (l. ix. tit. ix. leg. 30, 31). These princes speak the language of passion as ll as of justice, and fraudulently ascribe their own severity to the first Cæsars.

203 Justinian, Novel. lxxvii. cxxxiv. cxli. Procopius, in Anecdot. c. 11, 16, with e Notes of Alemannus. Theophanes, p. 151 [A.M. 6021]. Cedrenus, p. 368, [i. p. 5, ed. Bonn]. Zonaras, l. xiv. p. 64 [c. 7].

sumed by the judges, and pæderasty became the crime of th to whom no crime could be imputed. A French philosophe has dared to remark that whatever is secret must be doubt and that our natural horror of vice may be abused as an eng of tyranny. But the favourable persuasion of the same wri that a legislator may confide in the taste and reason of manki is impeached by the unwelcome discovery of the antiquity a extent of the disease.[205]

Judgments of the people

The free citizens of Athens and Rome enjoyed, in all crimi cases, the invaluable privilege of being tried by their country 1. The administration of justice is the most ancient office o prince: it was exercised by the Roman kings, and abused Tarquin; who alone, without law or council, pronounced arbitrary judgments. The first consuls succeeded to this re prerogative; but the sacred right of appeal soon abolished t jurisdiction of the magistrates, and all public causes w decided by the supreme tribunal of the people. But a w democracy, superior to the forms, too often disdains the essent principles, of justice: the pride of despotism was envenomed plebeian envy, and the heroes of Athens might sometim applaud the happiness of the Persian, whose fate depended the caprice of a *single* tyrant. Some salutary restraints, impos by the people on their own passions, were at once the cause a effect of the gravity and temperance of the Romans. The rig of accusation was confined to the magistrates. A vote of t thirty-five tribes could inflict a fine; but the cognizance of capital crimes was reserved by a fundamental law to t assembly of the centuries, in which the weight of influe

[204] Montesquieu, Esprit des Loix, l. xii. c. 6. That eloquent philosopher con ates the rights of liberty and of nature, which should never be placed in opposi to each other.

[205] For the corruption of Palestine, 2000 years before the Christian æra, see history and laws of Moses. Ancient Gaul is stigmatised by Diodorus Siculus (t i. l. v. p. 356 [c. 32]), China by the Mahometan and Christian travellers (Anc Relations of India and China, p. 34), translated by Renaudot, and his bitter c the Père Premare, Lettres Edifiantes (tom. xix. p. 435), and native America by Spanish historians (Garcilasso de la Vega, l. iii. c. 13, Rycaut's translation; Dictionnaire de Bayle, tom. iii. p. 88). I believe, and hope, that the negr in their own country, were exempt from this moral pestilence.

[206] The important subject of the public questions and judgments at Rome is plained with much learning, and in a classic style, by Charles Sigonius (l. iii. Judiciis, in Opp. tom. iii. 679-864); and a good abridgment may be found in République Romaine of Beaufort (tom ii. l. v. p. 1-121). Those who wish for m abstruse law may study Noodt (de Jurisdictione et Imperio Libri duo, tom. i 93-134), Heineccius (ad Pandect. l. i. et. ii. ad Institut. l. iv. tit. xvii. Element. Antiquitat.), and Gravina (Opp. 230-251).

property was sure to preponderate. Repeated proclamas and adjournments were interposed to allow time for udice and resentment to subside; the whole proceeding ht be annulled by a seasonable omen, or the opposition tribune; and such popular trials were commonly less hidable to innocence than they were favourable to t. But this union of the judicial and legislative powers, it doubtful whether the accused party was pardoned or uitted; and, in the defence of an illustrious client, the tors of Rome and Athens address their arguments to the cy and benevolence, as well as to the justice, of their ereign. 2. The task of convening the citizens for the trial ach offender became more difficult, as the citizens and the nders continually multiplied; and the ready expedient was pted of delegating the jurisdiction of the people to the inary magistrates, or to extraordinary *inquisitors*. In the first s these questions were rare and occasional. In the beging of the seventh century of Rome they were made perpetual: r prætors were annually empowered to sit in judgment on state offences of treason, extortion, peculation, and bribery; l Sylla added new prætors and new questions for those nes which more directly injure the safety of individuals. these *inquisitors* the trial was prepared and directed; they could only pronounce the sentence of the majority *judges*, who, with some truth and more prejudice, have n compared to the English juries.[207] To discharge this portant though burthensome office, an annual list of ancient l respectable citizens was formed by the prætor. After many nstitutional struggles, they were chosen in equal numbers m the senate, the equestrian order, and the people; four ndred and fifty were appointed for single questions; and the ious rolls or *decuries* of judges must have contained the names some thousand Romans, who represented the judicial auority of the state. In each particular cause, a sufficient number s drawn from the urn; their integrity was guarded by an oath; e mode of ballot secured their independence; the suspicion of rtiality was removed by the mutual challenges of the accuser d defendant; and the judges of Milo, by the retrenchment of teen on each side, were reduced to fifty-one voices or tablets,

Select judges

[207] The office, both at Rome and in England, must be considered as an ocional duty, and not a magistracy or profession. But the obligation of an nimous verdict is peculiar to our laws, which condemn the jurymen to undergo torture from whence they have exempted the criminal.

of acquittal, of condemnation, or of favourable doubt.[208] 3
his civil jurisdiction, the prætor of the city was truly a ju
and almost a legislator; but, as soon as he had prescribed
action of law, he often referred to a delegate the determinat
of the fact. With the increase of legal proceedings, the tribu
of the centumvirs, in which he presided, acquired more wei
and reputation. But, whether he acted alone or with the ad
of his council, the most absolute powers might be trusted
magistrate who was annually chosen by the votes of the peo
The rules and precautions of freedom have required some
planation; the order of despotism is simple and inanima
Before the age of Justinian, or perhaps of Diocletian, the
curies of Roman judges had sunk to an empty title: the hum

Assessors

advice of the assessors might be accepted or despised; and
each tribunal the civil and criminal jurisdiction was administe
by a single magistrate, who was raised and disgraced by
will of the emperor.

Voluntary exile and death

A Roman accused of any capital crime might prevent
sentence of the law by voluntary exile, or death. Till his g
had been legally proved, his innocence was presumed, and
person was free: till the votes of the last *century* had been count
and declared, he might peaceably secede to any of the alli
cities of Italy, or Greece, or Asia.[209] His fame and fortu
were preserved, at least to his children, by this civil death; a
he might still be happy in every rational and sensual enjoyme
if a mind accustomed to the ambitious tumult of Rome co
support the uniformity and silence of Rhodes or Athens.
bolder effort was required to escape from the tyranny of
Cæsars; but this effort was rendered familiar by the maxims
the Stoics, the example of the bravest Romans, and the le
encouragements of suicide. The bodies of condemned crimin
were exposed to public ignominy, and their children, a m
serious evil, were reduced to poverty by the confiscation of th
fortunes. But, if the victims of Tiberius and Nero anticipat
the decree of the prince or senate, their courage and despat
were recompensed by the applause of the public, the dece

[208] We are indebted for this interesting fact to a fragment of Asconius Pedian
who flourished under the reign of Tiberius. The loss of his Commentaries on
Orations of Cicero has deprived us of a valuable fund of historical and legal kn
ledge.

[209] Polyb. l. vi. p. 643 [c. 14]. The extension of the empire and *city* of Ro
obliged the exile to seek a more distant place of retirement.

urs of burial, and the validity of their testaments.[210] The lisite avarice and cruelty of Domitian appears to have deprived unfortunate of this last consolation, and it was still denied by the clemency of the Antonines. A voluntary death, h, in the case of a capital offence, intervened between the sation and the sentence, was admitted as a confession of guilt, the spoils of the deceased were seized by the inhuman claims ıe treasury.[211] Yet the civilians have always respected the ral right of a citizen to dispose of his life; and the post- ous disgrace invented by Tarquin[212] to check the despair of ubjects was never revived or imitated by succeeding tyrants. powers of this world have indeed lost their dominion over who is resolved on death; and his arm can only be restrained he religious apprehension of a future state. Suicides are nerated by Virgil among the unfortunate rather than the y;[213] and the poetical fables of the infernal shades could not usly influence the faith or practice of mankind. But the epts of the Gospel, or the church, have at length imposed a s servitude on the minds of Christians, and condemn them to ct, without a murmur, the last stroke of disease or the utioner.

Abuses of civil jurisprudence

he penal statutes form a very small proportion of the sixty- books of the Code and Pandects; and, in all judicial pro- ling, the life or death of a citizen is determined with less ion and delay than the most ordinary question of covenant heritance. This singular distinction, though something may llowed for the urgent necessity of defending the peace of ety, is derived from the nature of criminal and civil juris- dence. Our duties to the state are simple and uniform; the by which he is condemned is inscribed not only on brass and ble but on the conscience of the offender, and his guilt is

Qui de se statuebant, humabantur corpora, manebant testamenta; pretium andi. Tacit. Annal. vi. 25 [*leg.* 29], with the notes of Lipsius.

Julius Paulus (Sentent. Recept. l. v. tit. xii. p. 476), the Pandects (l. xlviii. tit. the Code (l. ix. tit. L), Bynkershoek (tom. i. p. 59. Observat. J. C. R. iv. 4), Montesquieu (Esprit des Loix, l. xxix. c. 9) define the civil limitations of the y and privileges of suicide. The criminal penalties are the production of a and darker age.

Plin. Hist. Natur. xxxvi. 24. When he fatigued his subjects in building the tol, many of the labourers were provoked to dispatch themselves; he nailed dead bodies to crosses.

The sole resemblance of a violent and premature death has engaged Virgil eid, vi. 434-439) to confound suicides with infants, lovers, and persons unjustly emned. Heyne, the best of his editors, is at a loss to deduce the idea, or tain the jurisprudence, of the Roman poet.

commonly proved by the testimony of a single fact. But t relations to each other are various and infinite: our obligatio are created, annulled, and modified, by injuries, benefits, an promises; and the interpretation of voluntary contracts an testaments, which are often dictated by fraud or ignorann affords a long and laborious exercise to the sagacity of the judg The business of life is multiplied by the extent of commerce an dominion, and the residence of the parties in the distant pr vinces of an empire is productive of doubt, delay, and inevitabl appeals from the local to the supreme magistrate. Justinia the Greek emperor of Constantinople and the East, was the leg successor of the Latian shepherd who had planted a colony the banks of the Tiber. In a period of thirteen hundred yea the laws had reluctantly followed the changes of government an manners; and the laudable desire of conciliating ancient nam with recent institutions destroyed the harmony, and swelled th magnitude, of the obscure and irregular system. The laws whi excuse on any occasion the ignorance of their subjects confess the own imperfections; the civil jurisprudence, as it was abridge by Justinian, still continued a mysterious science and a profitab trade, and the innate perplexity of the study was involved tenfold darkness by the private industry of the practitioner The expense of the pursuit sometimes exceeded the value of th prize, and the fairest rights were abandoned by the poverty prudence of the claimants. Such costly justice might tend abate the spirit of litigation, but the unequal pressure serv only to increase the influence of the rich and to aggravate th misery of the poor. By these dilatory and expensive procee ings, the wealthy pleader obtains a more certain advantage tha he could hope from the accidental corruption of his judge. Th experience of an abuse from which our own age and country a not perfectly exempt may sometimes provoke a generous indi nation, and extort the hasty wish of exchanging our elabora jurisprudence for the simple and summary decrees of a Turki cadhi. Our calmer reflection will suggest that such forms an delays are necessary to guard the person and property of th citizen, that the discretion of the judge is the first engine tyranny, and that the laws of a free people should foresee an determine every question that may probably arise in the exerci of power and the transactions of industry. But the governme of Justinian united the evils of liberty and servitude; and th Romans were oppressed at the same time by the multiplicity their laws and the arbitrary will of their master.

APPENDIX

ADDITIONAL NOTES BY THE EDITOR

1. AUTHORITIES

history of the reign of Leo I. and Zeno (in three Books) was written by Candus the Isaurian. He held the post of clerk or secretary to influential Isaurs; such is the vague phrase of Photius, who in the *Bibliotheca* (cod. 79) es a short notice of the writer and a summary of the contents of his work. was an orthodox Christian. Besides the account in Photius (Müller, F. H. G. p. 135), we have probably three fragments in the Lexicon of Suidas: (α) *sub* ίζω (Müller, *ib.* 137); (β) the first part of the article Ἄρμάτος (assigned by buhr to Malchus but) vindicated for Candidus by Toup and Shestakov; (γ) first part of the article Βασιλίσκος, plausibly assigned to Candidus by Shesta- (β and γ are printed under Malchus in Müller, *ib.* p. 116, 117). But the k of Candidus can be further traced in the chronicles of later writers, who le use (directly or indirectly) of his history. This has been shown by Shesov in his paper *Candid Isavriski* (Lietopis ist.-phil. obschestva, Odessa, 4, Viz. Otd. 2, p. 124-149), of which he promises a continuation. This is the st important study of Candidus that has yet appeared. Shestakov analyses account of the great fire in Leo's reign given by our authorities, and shows t, while Evagrius drew (through Eustathius) from Priscus, Zonaras and Cedus drew from Candidus (who probably made use of Priscus too); and he plies the same method to the stories of Aspar's fall and the expedition of siliscus. It had already been recognized that the fragments of John of Anti- numbered 210 and 211 in Müller (F. H. G. iv. 618 *sqq.*) depended on Candi-; this is also probably true of the Escurial fragment of the same writer, 214 C Müller (*ib.* v., cp. Shestakov, p. 125). Shestakov traces Candidus in Zonaras, drenus, Nicephorus Callistus, and makes it probable that his history was conted by Procopius[1] and Theodore Lector.

Pamprepius, the philosopher, a friend of the general Illus who revolted against no, also wrote a book on Isaurian history; and the same subject was treated Capito the Lycian, who translated the history of Eutropius into Greek. See ller, F. H. G. iv. p. 123. It may be added that a notice bearing on the chronoy of the revolt of Verina and Illus has been recently discovered in a curious rk by a contemporary astrologer named Palchus. An account of this work is en by M. F. Cumont in the *Revue de l'instruction publique en Belgique*, 1897, . xl. p. 1. It contains a horoscope of the coronation of Leontius, the puppet peror whom the rebels set up in Syria, and who was crowned at Tarsus, A.D. 3. The date given is the 24th of Epiphi = 19th July, whereas Theophanes es 27th June.

Malchus of Philadelphia wrote, under Anastasius, a continuation of the

[1] Cp. especially p. 148-9. But Shestakov makes one inaccurate statement. Our sole thority for the place to which Basiliscus, on his return from Africa, was removed, namely, raclea (Perinthus), is Nicephorus Callistus (p. 80 C). Shestakov states that we find him re afterwards, in Theodore Lector, p. 180 A (Migne), and in John Ant. fr. 210; and (p.) ascribes to John of Antioch the statement that Basiliscus is at *Heraclea*, where he has interview with Illus and conspires with him against Zeno. The place is mentioned by eodore (and Theophanes) but not by John. The name Heraclea or Perinthus does not ur in the fragment.

history of Priscus, covering the years A.D. 474 to 480. (So Photius. Bib Cd 78; but Suidas gives the work a wider extent—from Constantine I. to Anas sius). He was indifferent to religion, like Priscus and Procopius, but did n attack Christianity, so that Photius charitably regarded him as within the pa of Christendom. He censured the vices of Zeno with great severity. [Fra ments (preserved in the *Excerpta de legationibus* of Constantine Porph., an in Suidas) in Müller's F. H. G. iv. p. 111 *sqq.* Also in Dindorf's *Hist. Gra minores.*]

Eustathius of Epiphania wrote, under Anastasius, a history from the earlie times to the 12th year of Anastasius; he died in that year (A.D. 502). He known through Evagrius, who used him largely, and through Malalas (p. 398- ed. Bonn). For the fifth century he used the work of Priscus. [Müller, F. H. G iv. p. 138 *sqq.*]

A Panegyric on the Emperor Anastasius by the rhetor Procopius of Gaza printed in the same vol. of the Bonn. Script. Byzant., as Dexippus, Eunapiu Malchus, &c. Here will also be found a poetical encomium in Latin on the sam Emperor by Priscian. Both these panegyrics laud the financial relief which th government of Anastasius gave to the Empire.

Hesychius illustris, of Miletus, wrote under Justinian: (1) a universa history coming down to the death of Anastasius (A.D. 518), of which almo nothing has been preserved but a long fragment relating to the early history o Byzantium (πάτρια Κωνσταντινουπόλεως, in Codinus, ed. Bonn, p. 16 *sqq.*); (2) history of the reign of Justin and the first years of Justinian; nothing of thi survives, a loss deeply to be regretted; (3) a lexicon of famous literary people some fragments of this are preserved in Photius and Suidas. The short bio graphical dictionary ascribed to Hesychius is not genuine, but a much later com pilation. This pseudo-Hesychius was edited by J. Flach, 1880, and is include in Müller's ed. of the Fragments (F. H. G. iv. 143 *sqq.*).

Theodoros Anagnostes (Lector) wrote, under Justin and in the early years o Justinian, (1) a *Historia tripartita*, founded on Socrates, Sozomen and Theodoret coming down to A.D. 439; and (2) a continuation of this, *Historia ecclesiastica* to the beginning of Justinian's reign. Neither work is extant. Some fragment from (1) are contained in a Paris Ms., and have been published by Cramer, Anecd Paris. ii. p. 87 *sqq.*; but these fragments were derived not from the origina work, but from a Collection of excerpts which was used by the chronographe Theophanes. Other fragments have been found in an Oxford Ms. (Barocc. 142 and were used by de Boor for his edition of Theophanes. Of (2), fragments hav been edited by Valois (at end of his ed. of Theodoret, Evagrius, and Philostorgius p. 551 *sqq.*, 1673), Cramer (*ib.*), Müller (Revue Archéologique, nouv. série, 1873 t. 26, 396 *sqq.*), and some others have been found in Codinus and the Anony mous Banduri by V. Sarrazin, whose monograph, De Theodoro Lectore (in th Commentationes Philol. Jenenses, 1881, vol. 1), is the most important study o Theodorus, especially as a source of Theophanes. Sarrazin has shown (p. 193 *sqq.* that some of the fragments of Valois and Cramer are not from Theodore bu from John Diacrinomenos, who was one of the sources of Theodore. He has als given reasons for holding that Theophanes used a Collection of Excerpts in th case of this work too; that the Müller fragments are remains of that Collection and that the Cramer and Valois fragments represent Excerpts from that Col lection, not from the original work.

A treatise on the civil service (περι αρχῶν, *De magistratibus*), written by a official, John of Philadelphia, generally described as "the Lydian" (Lydus), wa first published in 1812 by Hase (reprinted in Bonn ed.). His work, which give a history of the Prætorian Prefecture under Anastasius, Justin, and Justinian is of immense importance for the study of the administration in the sixth century He bitterly complains of the decline of the service and the reduction of it emoluments. Of Justinian he always speaks in terms of the highest praise; bu his account of the career of John of Cappadocia, on whom he throws most of th blame for the degradation of the civil service, bears out the representations o Procopius. But Lydus carefully and repeatedly warns his readers that Justinia

s ignorant of the Præfect's misdeeds. At the end of forty years' work, having sed successively through the grades of notary, chartulary, augustalis, and ally that of cornicularius (A.D. 551)—his promotion being facilitated by his owledge of the Latin language, which was supposed to be exceptional, but was lly very slight,—John retired to literary leisure, honoured but impoverished. s other extant works are *de Ostentis* (ed. Wachsmuth) and *de Mensibus*. But was employed by Justinian to write a Panegyric on that Emperor and a history the Persian war (cp. de Mag. iii. 28); these and his poems have been lost.

To the account which Gibbon has given of the career of PROCOPIUS OF CÆSAREA le need be added except on a few doubtful points. There is no record of the e of his birth, but it must have been before the end of the fifth century (c. , Dahn suggests); he was probably in the fifties when he began to write his tory. The political sympathies apparent in his writings (noticed by Dahn, l elucidated more fully by Panchenko) suggest that he belonged to the official stocracy; and there is plausibility in the hypothesis of Haury that his father y have been the Procopius of Edessa,[2] whom he mentions himself in his *ifices* (p. 236, ed. Bonn) as governor of the First Palestine in the reign of astasius; this receives some support from the interest manifested by Procopius Edessene affairs.

The exact nature of the post which Procopius occupied in regard to Belisarius s been questioned. Three questions have been raised: (1) in A.D. 527 was ocopius appointed an *assessor* or *consiliarius* by Belisarius himself or by the nperor? (2) did he occupy in the African and Italian Wars the same official post ich he held in the Persian War? (3) are we right in supposing that he was cially a legal adviser to Belisarius at any time? Though the third question s been raised last, it comes logically first. In a recent study on the historian Brückner has pointed out[3] (*a*) that Procopius never displays legal knowledge, d avoids juristic questions, (*b*) that his contemporary Agathias calls him ιβουλος, but ῥήτωρ (Suidas calls him ὑπογραφεύς, ῥήτωρ, σοφιστής, ἀκόλουθος λισαρίου), (*c*) that, if the father of Procopius was an Edessene as Haury suggests, e law that no one could be *assessor* in his native land would have prevented ocopius from being chosen to that post when Belisarius was general in Mesotamia, for the law could hardly have been evaded by the accidental birth of ocopius in Cæsarea. Hence he doubts whether Procopius was an official *essor* of Belisarius. The second argument does not carry much weight, and e third depends on a hypothesis—a plausible hypothesis, no doubt. Procopius nself states that when Belisarius was appointed commander of the regiments Daras in 527 he was chosen as his ξύμβουλος (B. P i. 12); and he describes nself as πάρεδρος of Belisarius on his Vandalic expedition (B. V. i. 14). It is ually assumed that both words designate the same official position, ξύμβουλος rresponding to *consiliarius* and πάρεδρος to *assessor*. There can, I think, be no estion that πάρεδρος is intended to designate an official post (elsewhere Proopius explains it as *quæstor*); and, if Brückner were right, Procopius would ve made a distinctly false statement about his own position. It is otherwise th ξύμβουλος, which need not imply an official post. The rignt inference ay be that on the first occasion (in the Persian War) Procopius accompanied lisarius as his private secretary and adviser on civil matters; but that on e second occasion (for the Vandal War) he was appointed official assessor the Emperor at the wish of Belisarius. It has been well pointed out by ahn that Procopius is not given to varying his phrases and seeking synonyms t rather to using the same stereotyped expressions for the same things; d therefore (in absence of other knowledge) the presumption is that ξύμβουλος es not express the same position as πάρεδρος. I may be met by the objection at the passive ῥηέθη in B. P. i. 12 (τότε δὴ αὐτοῦ ξύμβουλος ῥηέθη Προκόπιος) sugsts an official appointment independent of Belisarius (cp. Dahn, *op. cit.* p. 16);

2 Procopiana (1st Progr.), p. 35-37.

3 Zur Beurteilung des Geschichtschreibers Prokopius von C., p. 42-3.

but this is sufficiently explained by the impersonal tone which Procopius affe in imitation of Thucydides. Brückner seems to be far from hitting the p when he says that Procopius "is not wont to hide his light under a bushel" the contrary, Procopius imitates the personal reserve of Thucydides. It is possible, therefore, to attach importance to the negative argument "dass Pro so ausserordentlich wenig rechtswissenschaftliche Kenntnisse entwickelt," or t he tells nothing of his own activity as legal assessor. I see no good ground doubting that in the African and Gothic Wars Procopius was *assessor* of B sarius in the full official sense of the term.

The dates of the composition of the historian's works have undergone important revision by the investigation of J. Haury. This scholar has pro from two passages[4] that the greatest part of the Military History, bks. i.-v was written in A.D. 545, the year which offered a suitable terminus for Persian and the Vandalic Wars.[5] The work was not published till A.D. 550 which year a few additions were made,[6] but no alterations.[7]

The *Secret History*, Haury has shown, was written in A.D. 550, not, as usua supposed, in A.D. 558-9. Had it been written in A.D. 558-9 it is impossible see why none of the events between A.D. 550 and A.D. 558 are used to supp the author's indictment of Justinian's government. The reason for suppos it to have been composed in A.D. 558-9 was the explicit statement that thi two years had elapsed since Justinian undertook the administration (ἐξ ὅτου ἀ ὅδε διῳκήσατο τὴν πολιτείαν). Haury has shown that the author counts not f the accession of Justinian but from that of Justin (A.D. 518), on the princi that Justin was a cipher, and completely in the hands of his nephew.[8]

The eighth book of the Military History, usually counted as the fourth of Gothic War, was written in A.D. 553-4. The last work, the *Edifices*, was published before A.D. 560; for it mentions the construction of the bridge over Sangarius (vol. iii. p. 315), the date of which we know from Theophanes have been A.D. 559-60 (under the circumstances, A.D. 560).[9] It is gratuitous suppose that this is an interpolation. There is, however, another passage in *Edifices* on which Dahn confidently based his view that the *Secret History* composed after the *Edifices*. In mentioning the inundation of Edessa by river Skirtos, Procopius (Secret Hist. p. 111) refers to his description in earlier works. Now there is no such description in the Military History, there is in the *Edifices*. Haury, however, has pointed to a passage in the B Pers. (vol. i. p. 209) where there is clearly a considerable gap in our text,[10] plausibly argues that the description referred to in the *Secret History* occu this gap. In any case, Dahn's argument from the Skirtos is met by the coun argument from the Sangarios.[11]

[4] The date of the imprisonment of John the Cappadocian, vol. i. p. 136, ed. Bonn, the incident of the spear wound of Trajan, vol. ii. p. 167.

[5] By the five years' truce with Chosroes, vol. i. p. 281, and the murder of Gontharis p. 552. A speedy conclusion of the Gothic War was also looked for.

[6] To the *Persica*, vol. i. p. 281, 21, to end of bk. ii.; in the *Vandalica*, *ib.* p. 532, in the *Gothica*, probably (vol. ii.) p. 340, 4, to end of bk. iii.

[7] Perhaps because it had been already *privately* published by recitation in a small c of friends.

[8] I have briefly indicated Haury's argument, above, vol. i., Introduction, p. lviii., The events related from p. 44 to 67 (vol. iii., ed. Bonn) fall into the time of Justin, and βασιλεύς in this section is Justin, not Justinian. This is especially clear on p. 65, w the βασιλεύς and Justinian act in a contrary sense in regard to Theodotus.

[9] Haury, Procopiana, i. p. 28.

[10] There is actually external evidence for the gap in Mss. cited by Haury in his se program (*Procopiana*, ii. p. 1).

[11] The other argument that the *Edifices* cannot have been written after May 7, 55 which day the dome of St. Sophia fell in (Θεοφ. A.M. 6051), because Procopius could have omitted to mention this incident, can be met by the reasonable assumption Bk. i. (in which St. Sophia is described) was written earlier, and that Procopius did feel himself obliged to insert before publication a disaster which did not redound t greater glory of Justinian.

was probably after the publication of Bk. viii. of the Military History (A.D. that Justinian became conscious of the existence of the great historian, and ged him to write the work on the *Edifices*. There can be no doubt that opius wrote it ironically, "with his tongue in his cheek"; the smiles of the had not altered his political hostility to the government. The very hyper- of his praise was a mockery. As he invariably in the *Edifices* cites his ary History as οἱ ὑπὲρ τῶν πολέμων λόγοι, it is reasonable to assume that, he says in the *Proœmium* that he has related Justinian's other doings ἑρωις λόγοις, he is *secretly* alluding to the unpublished work, whose pub- on would have cost him his head. It is probable that Procopius was re- ed for his memorial of Justinian's Buildings by the office of Prefecture of ity. At all events two years after its publication, in A.D. 562, a Procopius made Prefect of Constantinople.[12]

he chronology of the career of Procopius, so far as can be determined, would follows:—

527 attached to Belisarius in the East as private secretary.
531 returns with Belisarius to Constantinople.
532 in Constantinople at time of the Nika riot.
533 accompanies Belisarius to Africa as *assessor*. His mission to Syracuse.
534 remains behind Belisarius in Africa, (as *assessor* to Solomon (?)).
536 (end) joins Belisarius in Italy.
539 returns with Belisarius to Constantinople.
539-546 at Constantinople.
545-6 engaged on the composition of his *Military History* in seven Books.
546 probably proceeds to Italy, to follow the course of the war (cp. Haury, *Procopiana*, i. p. 9).
548 back in Constantinople.
550 completes and publishes his *Military History*, Bks. i.-vii.; writes his *Secret History*.
553-4 writes and publishes the *Eighth Book of the Military History*.
560 publishes his work on *Edifices*.
562-3 Prefect of the City (?).

his is not the place to speak of the literary character of the works of Procopius pt so far as it concerns their historical criticism. Procopius is an imita- of both Herodotus and Thucydides. How largely he used these ancient rians has been shown in two special monographs by H. Braun.[13] In raphical and ethnographical digressions, descriptions of strange incidents, ms, &c., the influence of Herodotus is apparent; and the Herodotean con- ion of the supernatural, the power of fortune or fate, the envy of the , is adopted by Procopius. In the prefaces to his works, in speeches and rs, in descriptions of sieges, naval battles, plagues, Procopius takes Thucy- s as his model.[14] It is curious to find not only John, the son of Vitalian, but rs and other barbarians, spouting Thucydidean phrases. When we find lents at the siege of Amida reproduced from the siege of Platæa, we have on to doubt whether Procopius confined himself to adapting merely the *ls* of his models.

t was recognized by Gibbon, and has been confirmed by later investigations, in the history of events previous to his own time Procopius is untrust- thy; he was quite careless in selecting and using sources, and has been victed of numerous errors.[15] It is hardly too strong to say, as has been said

[12] Theophanes, A.M. 6054. See Dahn, *Prokopius*, p. 452; Haury, *Procopiana*, i. p. 34. as describes Procopius as an *illustris*.

[13] Procopius Cæs. quatenus imitatus sit Thucydidem, 1885 (Erlangen); Die Nachah- g Herodots durch Prokop, 1894 (Nürnberg)

[14] Brückner, *op. cit.*, p. 8 *sqq.*, gives a good summary.

[15] See the very full criticism of Brückner, *op. cit.*, p. 19 *sqq.* Cp. Ranke, *Weltgeschichte*, 79. Also see above, vol. iii., Appendix 22.

by Brückner, that he shows want both of historical sense and of conscientio ness.

The politics of Procopius are marked by four prominent features: (1) Patri ism, based on the idea of the *Roman* world embodying a civilization inaccessi to the *barbarians;* (2) *Constitutionalism,* a worship of law and order; and, clos connected with this, (3) *Conservatism,* devotion to the old traditional custo of the Empire, and dislike of innovation as such; (4) Class sympathies w the *aristocracy* (aristocracy, of course, of wealth, not birth). This analysis the political view of Procopius, which can be clearly traced in his Public Histo is due to Panchenko;[16] the two last features had been well developed Dahn.

As to religion, the historian generally uses the language of a sceptic fatalist, regarding Christianity as an outsider with tolerant indifference, never committing himself to any utterance against it. He wrote in fact Alemanni observed) as a *politicus.* But he was intensely superstitious; diligent a seeker after oracles and dreams as Herodotus himself. I can resist the suspicion that the indifference of Procopius was to some extent *affectation,* due to his admiration for the old classical writers and the p Christian Empire. Certainly in judging his fatalistic utterances we must t into account his imitation of Herodotus.

The much disputed question as to the genuineness of the *Secret History* been set at rest by the researches of Dahn and Haury. Dahn's investigat (*op. cit.*) into the diction of this work, as compared with the undoubted writi of Procopius, has received greater significance in the light of the elaborate stu of B. Panchenko (*O tainoi istorii Prokopiia*),[17] which contains an exhaust analysis of the work. The matter was clinched by J. Haury's (*op. cit.*) det mination of the chronology of the Procopian writings. His argument has b stated briefly above in the Introduction to vol. i. (p. lviii.).

In regard to the distinct question as to the credibility of the *Secret Histo* it is important to observe that there is no fundamental opposition betwee and the *Public History.* The political attitude of the writer (as described abo is the same in both documents. The result of that political attitude was bit hostility to the reigning dynasty as (1) barbarian; (2) tyrannical, trampling the constitution; (3) innovating; (4) oppressing the aristocracy. In the Pu History criticisms on the Government had necessarily to be confined wit certain limits, but they are often expressed freely enough. Procopius of puts his criticisms dexterously into the mouth of *enemies;* thus Totila censu the administration of Justinian in Italy. It is noticeable that Procopius ne praises Justinian in the Military History; in the only passage in which approaches commendation the commendation is of an ambiguous kind, an interpreted as blame in the *Secret History.*[18] Procopius admired and regret the government of Anastasius, as we know from the *Secret History;* and in account of the Nika Sedition in the *Vandalica* it is not difficult to read betw the lines his veiled sympathy with the nephews of Anastasius.

The first five chapters of the Secret History, relating to Belisarius and tonina, form a sort of appendix to the Military History, and are distinguis by a relatively large number of references to the Military History. We m assume that between A.D. 545 and 550 events had occurred which preven Procopius from any longer seeing in Belisarius a possible leader of a succes opposition to Justinian. The rest of the work deals with the family, the co and the domestic administration of Justinian; it is a Civil, in contrast with Military, History. It falls into two parts, of which the first is personal, dea

[16] Viz. Vrem., 2, 355-366. There are some good remarks here on the use of 'Ρωμαῖος τυραννεῖν.

[17] Vizant. Vrem., ii. p. 24 *sqq.*, 340 *sqq.*; iii. 96 *sqq.*, 300 *sqq.*, 461 *sqq.*

[18] Vand. i. 9, p. 353, ἐπινοῆσαί τε ὀξὺς καὶ ἄοκνος τὰ βεβουλευμένα ἐπιτελέσαι. Arcan. c. 8, p. 57, ἐπινοῆσαι μὲν τὰ φαῦλα καὶ ἐπιτελέσαι ὀξύς. Cp. Brückner, *op. cit.*,

the private life of the sovran and his consort (cc. 6-17),[19] while the second s his political administration. These parts are separated by a lacuna. In last sentence of cap. 17 Theodora is the subject; in the first sentence of cap. ustinian is the subject. It seems more probable that this break is due to fact that the work was never revised by the author for publication than to ccidental loss in the course of its transmission.[20] It looks as if Procopius, h he finished c. 17, had started on a new plan, and had never welded the parts together. It should be observed that there is no literary evidence as ie existence of the *Secret History* before Suidas (tenth century). There is roof that it was used by Evagrius (notwithstanding Jeep's observations),[21] h less that it was known to Agathias.

he publication of the *Secret History* raised in arms the Jurists who revered memory of Justinian, and the work was described as *Vaticana venena*. en it is recognized that there is no essential opposition between the point of view ie Military and that of the Secret History, that the hostility to the government, poken in the one, is present and, though veiled, constantly peers out in the r, the argument that the author's evidence is damaged by inconsistency and radictions falls to the ground. When we make allowance for the bitter mony of the writer, and for his gross superstition, the fact remains that t of his statements as to the administration of Justinian and Theodora are ectly *credible*. Many of them are directly supported by the notices of other emporary writers; and others are indirectly supported by parallels or analo- found in contemporary sources. It is the great merit of the Russian scholar, Panchenko, to have examined[22] in detail the statements of the *Secret History* he light of the contemporary evidence as to Justinian's reign; and the eral credibility of the objective statements of the Procopian work has ingly emerged. Of course, Procopius can be frequently convicted of un- ness; he always attributes the worst motives. His description of the pro- cy of Theodora only proves his familiarity with the pornography of the rs of Constantinople; but it rests on the solid fact that the youth of Theo- was disreputable. We can appeal to the testimony of John of Ephesus ment. de beatis orientalibus, ed. van Douwen and Land, p. 68): *Stephanum um egregium duxit ad Theodoram* τὴν ἐκ τοῦ πορνείου, *quæ illo tempore patri- erat.*

Literature: J. Eichel, Ἀνέκδοτα seu historia arcana Procopii . . . convicta, 4; W. S. Teuffel, Procopius (in Studien und Charakteristiken, 1871); Rein- s, Anecdota sintne scripta a Procopio Caesariensi inquiritur, 1858; H. Eck- lt, De Anecdotis Procop. Caes., 1860; Ueber Procop und Agathias als llenschriftsteller für den Gothenkrieg in Italien, 1864; W. Gundlach, estiones Procopianae, 1861; F. Dahn, *op. cit.*; A. Schulz, Procopius de Bello ndalico, 1871; A. Auler, De fide Proc. Caes. in secundo bello Persico, &c., 5; Ranke, Procopius von Cäsarea, in Weltgeschichte, iv. 2, p. 285 *sqq.*; oidour, L'impératrice Théodore, 1885; Mallet, the Empress Theodora, in . Hist. Review, 1887, Jan.; Kirchner, Bemerkungen zu Prokops Darstellung Perserkriege des Anastasius, Justin und Justinian, 1887; H. Braun, *opp. citt.*; Haury, *opp. citt.*; J. Scheftlein, De praepositionum usu Procopiano, 1893

[19] Cc. 6-8, early life of Justinian; cc. 9-10, early life of Theodora, and how she ascended throne; 11-14, Justinian; 15-17, Theodora. C. 17 ends with the story of John the Cappa- an, the point where the *Persica* also ends. Cp. Panchenko, *op. cit.*, ii. p. 343-4.

[20] Panchenko conjectures that this lacuna might be connected with the notable omis- of any account of the conspiracy of Artabanus which is recorded in bk. iii. of the hic War. But is it meant that such an account may have fallen out or that Procopius nded to insert it here, and never did so? See Panchenko *op. cit.* ii. p. 55, cp. p. 345. chenko makes it probable that there was no final redaction of the Secret History -7).

[21] Quellenuntersuchungen zu den griechischen Historikern, p. 161. Cp. the remarks of chenko, *ib.* p. 48-9.

[22] *Op. cit., Viz. Vrem.* vol. iii.

M. Brückner, *op. cit.*; B. Panchenko, *op. cit.*; M. Krasheninnikov, O ru pisnom predanii Istorii Prokopiia, in Viz. Vrem. ii. p. 416 *sqq.*; art. on Pro pius in Krumbacher's Gesch. der byz. Litteratur (ed. 2, 1896).

Editions. The Bonn ed. by Dindorf (1833-8) is not much better than the P ed. by Maltretus, which Gibbon used. These texts are founded on inferior M Isambert's separate ed. of the Anecdota is poor (1856). A new much-needed c plete ed. is promised by J. Haury, but the first three books of the Gothic W (based on the best Mss., and accompanied by an excellent Italian translation D. Comparetti have been issued in the series of Fonti per la storia d'It (1895-6).]

Agathias of Myrina (A.D. 536-582) practised as an advocate (*scholastikos* Constantinople, and combined law with literature. In his earlier years he wr poems and epigrams; after the death of Justinian he devoted himself to hist and continued the work of Procopius. His history "On the Reign of Justinia embraces in five Books the years A.D. 552-558, and would have been contin if he had lived. Gibbon well characterises his work and contrasts him w Procopius (see above, p. 420), and notes the information on Persian affairs wh he derived from his friend Sergius (vol. i., c. 8). He seems in general to h depended on oral sources for his narrative; he names most of the old writ whom he used for his digressions. [Ed. in the Bonn series by Niebuhr; in Hist. Græc. Minores, vol. ii., by L. Dindorf. H. Eckhardt, Agathias und Prol als Quellenschriftsteller für den Gothenkrieg, 1864; W. S. Teuffel, in Ph logus, 1846, Bd. 1, 495 *sqq.*]

The history of the advocate Agathias was continued by an imperial guar man, Menander *protector*. He had, however, the training of a jurist, as tells us in his very interesting preface, where he describes the wild and idle of his youth, which he reformed under the beneficent influence of the Empe Maurice. His work covers the years A.D. 558-582; we possess very import fragments of it in the Constantinian excerpts *de legationibus* and *de sentent* and a few in Suidas. Evagrius drew from Menander (probably directly) for fifth book. He was also used by Theophylactus Simocatta (for an excursu Bk. iii. on the Persian wars of Justin II. and Tiberius. See below, vol. v., A 1). [Müller, F. H. G. iv. p. 200 *sqq.*; L. Dindorf, Hist. Græc. Min. vol. ii.]

Johannes Rhetor, or Malalas (the Syriac equivalent of Rhetor),[23] of Antio published between A.D. 528 and 540 a chronicle beginning with the Creation ending with the first months of A.D. 528 (Bks. 1-17). The work was re-edited brought down (Bk. 18) to the death of Justinian[24] (A.D. 565). Neither the f edition, which was used by Evagrius (who cites it under the name of Johan rhetor) nor the second (used by the Paschal Chronist, Theophanes, &c.) come down to us; but we have materials sufficient for an almost complete reste tion of the second edition. (1) The chief of these materials is the abridgm of the whole work; which is preserved in an Oxford Ms. of the eleventh cent (Barocc. 182). The first pages of the Ms., with the title, are lost; and the w was identified by some passages verbally identical with passages which John Damascus quotes from "John Malalas" (2) Next best to recovering original second edition would be the recovery of the Slavonic translation m by the Bulgarian presbyter Gregory (c. A.D. 900).[25] Luckily, large parts of t in Russian form, are preserved. (3) Numerous excerpts and fragments h been identified, and enable us to supplement the Oxford text. (*a*) Four Tus lan fragments, published in Mai's Spicil. Rom., vol. ii., part 3, and identified

[23] Μαλάλας, not Μαλαλᾶς.

[24] Or, some think, to the ninth year of Justin, A.D. 574; because a Latin Laterculus of perors, taken from Malalas, comes down to that year. This document (compiled in the eig century) is edited by Mommsen in Chron. Min. iii., p. 424 *sqq.* It seems to me more prob that the last entry was added, on his own account, by the author of an earlier Latin epit which the eighth century compiler used.

[25] Krumbacher, on the authority of A. S. Chachanov, states that there is a Ms. Gregorian translation of Malalas at Tiflis (p. 329).

Patzig. (*b*) Excerpts from an anonymous Chronicler (end of ninth century) who copied Malálas, published in Cramer's Anecd. Par., 2, p. 165 *sqq.* (*c*) Constantinian excerpts περὶ ἐπιβουλῶν published from an Escurial Ms. by Mommsen in Hermes 6, 366 *sqq.* (*d*) The preface of Malalas, with the beginning of Bk. 1, in Cod. Par. 682 (tenth century), publ. by A. Wirth, Chronographische Späne, p. 3 *qq.* (1894). (*e*) Excerpts in Cod. Par. 1336 (Cramer, Anecd. Par. 2, p. 231 *sqq.*). (4) The Paschal Chronicle (seventh century) and the Chronography of Theophanes (beginning of ninth century) extracted their material largely from Malalas, generally adhering verbally to the original. They are therefore very important for the restoration. (5) Other writers who used Malalas have also to be taken into consideration: John of Ephesus, Evagrius, John of Antioch (see below), John of Nikiu, John of Damascus, George Monachus, Cedrenus (indirectly).

The chronicle of Malalas gives the impression that it was compiled not by a rhetor but by a monk whose abysses of ignorance it would be hard to fathom. But though in itself a pitiable performance, it is, as Prof. Krumbacher observes, enormously important for the history of literature. It is the earliest example of the Byzantine monastic chronicle, not appealing to educated people, but written down to the level of the masses. There is no sense of proportion. The fall of an empire and the juggling of a mountebank are related with the same seriousness. Pages and pages are occupied with minute descriptions of the personal appearance of the heroes of the Trojan war. All manner of trivial gossip is introduced. The blunders are appalling; *e.g.*, Herodotus is placed subsequent to Polybius. The last Books, from Zeno forward, are important, because they are written by a contemporary, and Bk. 18 is one of our chief sources for the reign of Justinian. In this chronicle the conventional style of historic prose is deserted; popular idioms, words, and grammatical forms are used without scruple. Thus it is "the first monument of popular Greek, of any size, that we possess" (Krumbacher). It should be observed, however, that this style is not evenly preserved; in many places Malalas has preserved the better style of his sources. In Bks. 1-17 prominence is always given to events connected with his native city, Antioch.

Malalas-problems. When it was shown that the eighteenth Book of Malalas was added subsequently to the publication of the first seventeen[26] (see Mr. E. W. Brooks, Eng. Hist. Rev., 1892, vol. vii. p. 291 *sqq.*; cp. S. Shestakov, in the fifth part of the Zapiski of the University of Kazan, 1890), the question arose whether the work was thus revised and continued by Johannes himself or by another. If we adopt the former alternative, we are asked to suppose that Johannes migrated to Constantinople; for part of Bk. 18 appears to have been composed there, not at Antioch, though part of it shows Antiochene influence. The second alternative seems more likely, and, if it be adopted, the question arises whether the editor and continuator may not to a large extent be responsible for the style. He may be certainly considered responsible for obliterating (though not completely) indications of the monophysitic leanings of the original author. For this question see C. E. Gleye's important article *Zur Johannes-frage*, in Byz. Ztschrift., 1895, p. 422 *sqq.*

Bibliography. A full list of the numerous works dealing with the numerous Malalas questions will be found in Krumbacher, Gesch. der byz. Litt. (ed. 2), p. 332-4. Only a few need be mentioned here. (1) Editio princeps, Chilmead-Hody, Oxford, 1691, reproduced in the Bonn Corpus, 1831. The text contains many errors from which the Ms. is free and is otherwise inaccurate; see J. B. Bury, Collation of the Codex Baroccianus, Byz. Ztschrift., 1896, Bd. 6, Heft 2. A new edition, based on all the extant material, is expected from Dr. C. E. Gleye. (2) G. Sotiriadis, Zur Kritik von Johannes von Antiochia, 1888. E. Patzig, Unerkannt und unbekannt gebliebene Malalas-fragmente, 1891, and Johannes Antiochenus und Johannes Malalas, 1892. S. Shestakov, *op. cit.*, and a paper on the importance of the Slavonic translation for the Greek text in Viz.

[26] More precisely: the first paragraphs of Bk. 18 belonged to the first edition.

Vremennik, 1, p. 503 *sqq.* E. W. Brooks, *op. cit.* C. E. Gleye, *op. cit.*, and a paper on the Slavonic Malalas in the Archiv für Slav. Philologie, 16, p. 578 *sqq.* There is also much on Malalas in Gelzer's Sextus Julius Africanus (1880-5)

Quite distinct from the John of Antioch who was distinguished as Malalas is another JOHN OF ANTIOCH, to whom a large number of excerpts preserved in various Mss. are ascribed. His existence is confirmed by Tzetzes, but the questions of his date and his literary property are surrounded with the greatest difficulties. It is quite clear that his name covers two distinct chroniclers, of whom the earlier probably lived in the seventh century and the later in the tenth. But it is still a matter of controversy which is which. The matter is of considerable importance indirectly; it has even some bearings on historical questions (cp. above, vol. 3, Appendix 22); but the question is much too complicated to be discussed here, and no solution has been reached yet.[27] It will be enough to indicate the fragments in question. (1) The Constantinian fragments (excerpta de virtutibus and de insidiis), of which the last refer to the reign of Phocas; (2) fragments in Cod. Paris, 1630; (3) the "Salmasian" fragments of Cod. Par., 1763, of which the latest refer to Valentinian iii.; (4) fragments of the parts relating to the Trojan War preserved in Codex Vindobonensis 99 (historicus), under the name of Johannes Sikeliotes. The first three groups were published by Müller, F. H. G. iv. p. 535 *sqq.*, and v. pp. 27, 28, while (4) is partly published in a gymnasial programme of Graz by A. Heinrich, 1892, p. 2-10. These two chronicles, represented by these fragments, may be distinguished as C and S; and the question is whether C, from which the Constantinian fragments, or S, from which the Salmasian fragments are derived, is the earlier work. S was a chronicle of the same style as that of Malalas or Theophanes, Christian and Byzantine; C was a work of "hellenistic" character and dealt with the Roman republic, which the true monkish chronographer always neglected. Cp. Patzig, Joannes Antiochenus, &c., especially p. 22, who upholds the view that S is the older, and that C was compiled in the ninth or tenth century. (Cp. the works of Sotiriadis, Patzig, Gleye, Gelzer, cited in connexion with John Malalas, and C. de Boor Hermes, 1884, B. 19, 123 *sqq.*; *ib.*, 1885, B. 20, 321 *sqq.*; Byz. Ztsch., 1893, B. 2, 195 *sqq.*)[28]

For the Persian wars in the reign of Anastasius we have the valuable Syriac history of JOSUA STYLITES, known to Gibbon through the abridged Latin translation of Assemani (Bibl. Orient., i. 262-283). The work is entitled "A history of the time of affliction at Edessa and Amida and throughout all Mesopotamia," and was composed in A.D. 506-7, the last date mentioned being 28 Nov., 506, but was probably not published till after the death of Anastasius. It contains a very graphic diary of the events at Edessa during a period of great distress. The narrative of the Persian invasion begins in c. xlviii. The original text was first published by the Abbé Martin (with French transl.) in Abh. of the Deutsche Morgenl. Gesellschaft, 6, 1 (1876); but this has been superseded by the edition of W. Wright, with an English version, 1882. The position of Josua in regard to the theological controversies of the day is treated by H. Gelzer in a paper in the Byzantinische Zeitschrift, i. p. 34 *sqq.* (1892). Josua was one of the sources of the CHRONICLE OF EDESSA (A.D. 201-540); see L. Hallier, in Texte und Untersuchungen, ix. 1, 1892.

The ecclesiastical history of ZACHARIAS Rhetor, bishop of Mytilene, composed about A.D. 518, throws little light on the political history which is the subject of the volume. But it was translated from Greek into Syriac and incorporated in a Syriac work, which was compiled about fifty years later, and goes generally by the name of Zacharias. The genuine Zacharias corresponds to Bks. 3-6 of the

[27] Prof. Krumbacher gives an excellent summary of the facts (§ 141) in his History of Byzantine Literature.

[28] Gelzer has conjectured that John of Antioch may be the same as John, Patriarch of Antioch, A.D. 631-649. The work would then have been composed before A.D. 631, as the author of the Constantinian excerpta de virtutibus is styled "John the monk". But I question whether it would have been forgotten that the author was Patriarch.

mpilation, which consisted of twelve Books (Bk. 11 and part of 10 and 12 are st). The pseudo-Zacharias has records of considerable value on the Persian ars and the founding of Daras, a curious notice on the Nika riot, &c. Frag-ents of the work, preserved in the Vatican, were published and translated by ai (Scr. Vet. Coll. vol. x.), but the work in its more complete form was not nown till 1870, when it was published by Land from a Ms. in the British luseum. (The genuine Zacharias has been translated by Rev. F. J. Hamilton, 892, printed privately.) An English translation of "The Chronicle known as iat of Zachariah of Mytilene," by Dr. F. J. Hamilton and Mr. E. W. Brooks as appeared, and likewise a German translation of the same work by Dr. K. hrens and Professor G. Krüger, 1899.

C. Sollius Modestus Apollinaris Sidonius was born about 430-433 A.D. He elonged to a good Lyonese family; his father was Praetorian Prefect of Gaul A.D. 449, a post which *his* father had held before him. Sidonius married apianilla of Arverni, daughter of Avitus. His relations with that emperor nd with his successors Majorian and Anthemius are noticed by Gibbon . xxxvi.). In A.D. 469 or 470 Sidonius became bishop of Arverni; he died, before e reached the age of fifty, in 479. The years of his episcopate were troubled, wing to the hostilities between the Visigoths and the Empire. Arverni in quitania Prima still, but alone, held out against the Goths, till 475, when idonius and Ecdicius his brother-in-law were captured by King Euric, and the ishop was compelled to live for some time in exile from his see, at Tolosa and urdigala. His literary works consist of a collection of twenty-four poems, and f nine Books of Epistles. These epistles were written evidently with the in-ention of being published, and each Book appeared separately (Book i. published n 469, ii. in 472, v. in 474-5, vii. in 475 (?)). In many of the Letters original poems re inserted. Books iii. v. vii. and viii. contain letters of great importance for he history of the Visigoths. Sidonius had ceased to write longer poems before .D. 469,—that is, before he began to publish letters and before his ecclesiastical areer began. It may be convenient to arrange here the most important (most of hich are mentioned by Gibbon) chronologically:

vii. Paneg. dictus Avito, with
vi. preface and
viii. propempticon } A.D. 456, Jan. 1.

v. Paneg. dictus Maioriano, with
iv. preface } A.D. 458 end.

xiii. ad Maiorianum. A.D. 458 (?).

xxiii. ad Consentium, between A.D. 461 and 466 (after Narbo; which the poem celebrates, had become Gothic, and before Theodoric, whom it also celebrates, died).

ii. Paneg. dictus Anthemio, with
i. preface and
iii. propempticon } A.D. 468, Jan. 1.

The poetical talent of Sidonius, like that of Claudian and of Merobaudes, was publicly recognized at Rome by a statue in the Forum of Trajan.

inter auctores utriusque fixam
bybliothecae.

The authoritative edition of his works is that of C. Luetjohann (in the Mon. Germ. Hist.), 1887, to which Mommsen has contributed a short biography of the poet. Mr. Hodgkin (Italy and her Invaders, vol. ii.) has an interesting chapter on Sidonius, with some prose and verse translations from his works.

The state of Noricum in the days of the last Emperors of the West is graphically described in the *Life of Saint Severinus* by an eye witness, Eugippius, who was with the saint in Noricum when it was at the mercy of the Rugians and their fellow-barbarians. Severinus was buried in the Lucullan Castle near Naples, by the bounty of the lady Barbaria, and a monastery was established in the same place. Eugippius became its abbot, and wrote the biography of his master in A.D. 511. [Edition by H. Sauppe, 1877, in the Mon. Germ. Hist.]

The fragment of an Italian (Ravennate) chronicle, known as Anonymus Valesii, Part II., and recording the reigns of Odovacar and Theodoric, has been noticed already in vol. iii., Appendix 1, in connexion with the Chronica Italica. The chronicler made use of the *Vita Severini* of Eugippius. He writes from an Imperial point of view, speaks loyally of Zeno, and constantly describes Theodoric by the title *Patricius*, which keeps in mind that king's theoretical dependence on the Roman Empire. The language is full of barbarisms, and there seems very little probability in the conjecture of Waitz that the author is no other than Bishop Maximian of Ravenna, whose portrait has been immortalized in mosaics in the Church of San Vitale. The fragment is perhaps not continuous, but a number of extracts, bearing on Odovacar and Theodoric, strung together from the original chronicle (cp. Cipolla, *op. cit. infra*, p. 80 *sqq.*). It seems likely that the anonymous author wrote during the civil wars which followed the fall of the Ostrogothic kingdom.[29] Recently a very complete study, especially of the Mss., has appeared by C. Cipolla, in the Bullettino dell. Instituto storico italiano, No. ii. (1892, p. 7-98). Cp. especially sect. iv. p. 80 *sqq.* [For editions see above, vol. iii. p. 489. References to various monographs will be found in the article of Cipolla.]

Ennodius, the son of Gallic parents, was born A.D. 474, in Liguria, died A.D. 521. He may have been grandson of Ennodius, proconsul of Africa under Honorius and Theodosius II. His father's name may have been Firminus. He had a secular education in the Latin classics, and was consecrated by Epiphanius of Ticinum (whose life he wrote) before A.D. 496. He went to Milan, to fill a clerical post, before A.D. 499, and from Milan most of his letters are written. The life of Epiphanius was composed between A.D. 501 and 504 (see Vogel's preface to his ed. p. xviii.-xix.). All the works of Ennodius are included in the large edition of Vogel in the Mon. Germ. Hist., 1885. They form a very valuable supplement to Cassiodorus for the history of Italy under Theodoric. [Monograph: Fertig, Ennodius und seine Zeit, 1858.]

Cassiodorus has had the misfortune of being called out of his name. His full name was Flavius Magnus Aurelius Cassiodorus Senator, and in accordance with the custom of the time he was always known by the last name, *Senator*. We do not find him called Cassiodorus till the eighth century (by Paul the Deacon, Hist. Lang. i. 25); and even the name has been corrupted, modern scholars following Maffei in writing Cassiodorius. But Mommsen, who at first approved, has now condemned, this fashion, and adopts the true form in his edition of the works of Cassiodorus. This name points to the derivation of the writer's family from Syria. They settled at Scyllace and by the middle of the fifth century had become the most influential people in Bruttii. The father of Senator filled financial offices under Odovacar, administered Sicily, and embraced the cause of Theodoric, who rewarded him by the less distinguished post of corrector of Bruttii and Lucania. The inferiority of this post to the posts which he had already occupied may have been compensated for by the circumstance that the appointment was an exception to the rule that no man should be governor of his native province. But he was soon raised to be prætorian præfect (after A.D. 500). The son was born c. 490. At an early age (twelve or thirteen?) he became *consiliarius* to his father, and he became quaestor between the years 507 and 511 (cp. Mommsen, Procem. p. x.) and drew up state papers for the king. Then, like his father, he was appointed *corrector* of his native province; became consul ord. in A.D. 514; and was promoted to be *magister officiorum* before A.D. 526. In A.D. 533 Amalasuentha created him prætorian prefect, a post which he retained under Theodahat and Witigis. The dates of his chief works are: *Chronicle*, A.D. 519; Gothic History in twelve Books, between A.D. 526 and 533 (so Mommsen; Usener put it earlier, 518-21); publication of his *Variae*, A.D. 537. He also wrote various theological works (including a compilation of Church History from Socrates, Sozomen and Theodoret, entitled *Historia tripartita*; in this work he had a collaborator, Epiphanius). He survived A.D. 573. He had thrown himself thoroughly

[29] Mommsen, Chron. Min. i. 261.

into the Gothic interest, and both the official and private correspondence contained in his *Variae* (epistolae) are a most valuable mine for the history of the Ostrogothic kingdom. His weak point was inordinate literary vanity, and the tumid pomposity of his style, tricked out with far-fetched metaphors and conceits, renders it often a task of considerable difficulty to elicit the sense. Mr. Hodgkin observes that, next to Rhetoric, "Natural History had the highest place in his affections. He never misses an opportunity of pointing a moral lesson by an allusion to the animal creation, especially to the habits of birds." A short extract found in a Ms. of the *Institutiones humanarum rerum* of Cassiodorus, at Carlsruhe, and known as the Anecdoton Holderi, was edited with a commentary by H. Usener in 1877. It threw new light on some points connected with the statesman's biography. The Variae have been edited in a splendid edition by Mommsen (in Mon. Germ. Hist., 1894). A large volume of selected translations has been published by Mr. Hodgkin.

The Chronicle (or Consularia) of Cassiodorus was drawn up in A.D. 519, on the occasion of the consulship of Theodoric's son-in-law, Eutharic Cillica. The sources which he used were: (1) The Chronicle of Jerome, (2) the Chronicle of Prosper, in the edition published in A.D. 445 (cp. above, vol. iii., Appendix 1), for the years subsequent to the end of Jerome's Chron.; (3) an epitome of Livy; (4) the history of Aufidius Bassus; (5) Eutropius; (6) the Paschale of Victorius; (7) Consularia Italica (see above, vol. iii., App. 1). "Written for the use of the city populace," as Mommsen remarks, it contains many entries relating to games and the buildings in Rome, and it is marked by some interesting blunders in grammatical form. Finding in his source, for instance, *Varane et Tertullo consss.* (A.D. 410), Cassiodorus translating this into the nominative case gives *Varan et Tertullus*. See Mommsen, Chron. Min. ii., p. 112. In the later part of the work he has made several slight additions and changes of his own in the notices which he copies from his authorities, out of regard for Gothic feelings. Thus Prosper recorded that Ambrose of Milan wrote "in defence of the *Catholic* faith". But the Goths were Arians; and so Cassiodorus modifies the phrase to "concerning the *Christian* faith". Again Prosper simply states that "Rome was taken by the Goths under Alaric"; Cassiodorus adds that "they used their victory with clemency". The best edition is Mommsen s in Chron. Min. ii., p. 120 *sqq*.

Flavius Cresconius Corippus, a native of Africa, seems to have held the office of a tribune or a notary, in that branch of the civil service of which the quaestor of the Sacred Palace was the chief.[30] He was an old man at the death of Justinian.[31] He wrote two poems relating to contemporary history, both of the greatest interest and importance. (1) The *Johannid* celebrates the Moorish wars of Johannes, who was appointed Magister Militum in A.D. 546 (see below, Appendix 18). It was unknown to Gibbon and was published for the first time by Mazzucchelli (librarian of the Ambrosian library) from the Codex Trivultianus, the only Ms. now known to exist. (Other Mss. known in the Middle Ages and as late as the sixteenth century have disappeared.) The poem contains eight Books; the end of the eighth Book is missing, and there are other lacunae.[32] Corippus introduces a sketch of the events in Africa which preceded the arrival of John (3, 54-4, 246); describing the career of Antala, the wars of Solomon and Areobindus. The poem must have been composed soon after the decisive victory of John in A.D. 548. The respect shown for Athanasius, the prætorian prefect, suggests that he was still in office when Corippus wrote. (2) Towards the end of Justinian's reign Corippus went to Constantinople, where he was present at the

30 See Panegyr. in laudem Anastas. 46-48.

31 *Ib.*, 48.

32 In the ed princeps and the greatly improved Bonn ed by Bekker, it is divided into seven Books, as if the whole eighth were missing. But G Loewe has shown that Books 4 and 5 were wrongly thrown into one, so that 5, 6, 7 should be 6, 7, 8; and so it appears in Partsch's ed.

coronation of Justin II. In connexion with this Emperor's accession he wrote his *In laudem Justini Augusti minoris*, hoping that the sovereign would help him in his need. For he seems to have lost his property in the troubles which broke out in Africa a few years before (see below, p. 544). Compare, Praefatio, 43, nudatus propriis. This poem consists of a preface, a short panegyric on Anastasius the quaestor (who probably undertook to introduce Corippus to the Emperor) and four Books. It has been repeatedly edited, and has been well elucidated by Fogginius (1777). For its contents see Gibbon, c. xlv. The critical edition of Joseph Partsch (in the Mon. Germ. Hist.), 1879, has superseded all previous works. Corippus, it may be observed, though a poor poet compared with Claudian, is far more satisfactory to the historian. He has no scruples about introducing barbarous names into his verse, and is consequently less allusive. His account of the Moorish nations is of great importance for the geography of North Africa. We meet such names as Silcadenit, Naffur, Silvaizan; such a line as,

Astuces, Anacutasur, Celianus, Imaclas.

Count Marcellinus was of Illyrian birth and Latin was his native tongue. He was *cancellarius* of Justinian, before Justinian ascended the throne and probably when he held the post of *magister equitum et peditum in praesenti*. Some years later, before the death of Justin, he wrote and edited a chronicle, beginning with the accession of Theodosius I., where Jerome stopped, and coming down to the death of Anastasius; afterwards he continued it to A.D. 534. (Another contemporary but anonymous author subsequently brought it down to A.D. 548.) The sources of Marcellinus were Orosius, the Consularia of Constantinople (see above vol. ii., Appendix 1), the Consularia Italica, Gennadius' continuation of Jerome's *de Viris illustribus*, and one or two ecclesiastical works (for instance a life of Chrysostom, similar to that of Palladius). See preface to Mommsen's edition in Chron. Min., vol. ii., p. 39 *sqq.* Marcellinus contains some important notices of events in Illyricum; and for Anastasius, Justin and Justinian, his statements—always provokingly brief—have a very high value.

Victor Tonnennensis,[33] an African bishop, wrote under Justinian and Justin II. a chronicle from the Creation to the year A.D. 566. We possess the most important part of it from A.D. 444 forward. For Victor's life we have some notices in his own chronicle and a notice in Isidore's De viris illustribus, c. 49, 50. He took part with the western churchmen against Justinian in the Three Chapter Controversy, and was banished, first to the Balearic islands (a certain emendation of Mommsen in Victor, *sub ann.* A.D. 555) and after other changes of exile, to Egypt; finally in A.D. 564-5 he was removed to Constantinople. He wrote his work during his exile. Mommsen has shown that he made use of Western Consularia from A.D. 444 to 457; of Eastern Consularia from A.D. 458 to 500 (except for A.D. 460, 464, 465); but of Western again from A.D. 501-563. In A.D. 563 he suddenly and unaccountably ceases to date by consulships, and begins to date by the years of Justinian's reign. It is to be observed that in marking the years after Basil's consulate A.D. 540 he departs from the usual practice; he calls A.D 541 not the first but the *second* year post consulatum Basilii. It is very curious that he makes a mistake about the year of Justinian's death, which he places in Ind. 15 and the fortieth year of his reign, though it really took place in Ind. 14, ann. regn. 39. [Edition: Mommsen, Chron. Min., 2, p. 178 *sqq.*]

The chronicle of Victor was continued by a Visigoth, John of Biclarum. He too, like Victor, suffered persecution for his religious opinions. He had gone to Constantinople in his childhood, learned Latin and Greek, and had been brought up in the Catholic faith. At the age of seventeen he returned to Spain,

[33] He was bishop of the ecclesia Tonnennensis (or Tonnonnensis, or Tunnunensis) in the prov. Carthaginiensis. I follow the spelling adopted by Mommsen, which depends on a very probable conjectural restoration in an inscription (C.I L., 8, suppl. 12,552). The termination of the local name from which the adjective is formed seems to be unknown.

c. A.D. 576, and was banished to Barcino by the Arian king Leovigild on account of his religious opinions. Exiled for ten years (till A.D. 586), he was released by Leovigild's Catholic successor Reccared, and founded the monastery of Biclarum (site unknown). Afterwards he became bishop of Gerunda, and there is evidence that he was still alive in A.D. 610. His chronicle differs from most others in that it can be studied by itself without any reference to sources. For he derived his knowledge from his own experience and the verbal communications of friends (*ex parte quod oculata fide pervidimus et ex parte quae ex relatu fidelium didicimus*). He professes to be the continuator of Eusebius, Jerome, Prosper, and Victor. At the outset he falls into the mistake which, as we saw, Victor made as to the date of Justinian, and places it in the fifteenth indiction. This led to a misdating of the years of Justin II., and he commits other serious chronological blunders. Mommsen, Chron. Min. ii. p. 209. His chronicle ends with the year A.D. 590. It is worthy of note that John always speaks with the highest appreciation of the Gothic king Leovigild, who banished him. [Ed. Mommsen, Chron. Min. ii. p. 207 *sqq.*]

Fragments of the Chronicle of MAXIMUS of Cæsaraugusta have been preserved in the margin of Mss. of Victor and John of Biclarum, extending over the years A.D. 450 to 568 (perhaps to 580). Mommsen, Chron. Min. ii. p. 221-3.

MARIUS (c. A.D. 530-594), bishop of Aventicum (Avenches), wrote a chronicle extending from A.D. 455 to 581. Mommsen has shown that he made use of the Consularia Italica and the Chronica Gallica (cp. above, vol. iii., Appendix 1, p. 489). [Editions: Arndt, ed. maior, 1875, ed. minor, 1878; Mommsen, Chron. Min. ii. p. 227 *sqq.*]

ISIDORUS JUNIOR became bishop of Hispalis (Seville) c. A.D. 600-3, and died in the year A.D. 636. He wrote a History of the Goths, Vandals, and Sueves, coming down to the year A.D. 624. It is preserved in two recensions, in one of which the original form has been abbreviated, in the other augmented. The sources of Isidore were Orosius, Jerome, Prosper (ed. of A.D. 553), Idatius, Maximus of Saragossa, John of Biclarum. He used the Spanish æra (= Christian æra + 38); Mommsen has drawn up a most convenient comparative table of the dates (Chron. Min., ii., p. 246-251). Isidore is our main source for the Spanish history of the last hundred years with which he deals. [Ed. Mommsen, Chron. Min., ii. 241 *sqq.*, to which are appended various Additamenta and Continuations. Monograph: H. Hertzberg, Die Historien und die Chroniken des Isidorus von Seville, 1874; Hertzberg's conclusions have been modified by Mommsen.]

GREGORY OF TOURS in his Historia Francorum (best edition by Arndt and Krusch in the M.G.H.), although he wrote in the last quarter of the sixth century, throws some light on the great Hunnic invasion of Gaul and the career of Aetius, especially by his citations from a lost writer, Renatus Profuturus Frigeridus. For the reigns of the Frank kings Childeric and Chlodwig he is our main guide. The sources of his history have been carefully analysed and its value tested by M. Monod (in his *Etudes Critiques sur les sources de l'histoire mérovingienne*, 1872) and G. W. Junghans, whose history of the reigns of Childeric and Chlodwig has been translated into French by M. Monod, with additional notes. Gregory's narrative of these reigns is based in a small part on written documents,—consular annals,—and to a great extent on popular and ecclesiastical traditions. To the first class belong bk. ii., chaps. 18 and 19, on Childeric; the account of the Burgundian war, A.D. 500, in chaps. 31 and 33; and a few other facts and dates. Such a notice, for instance, as:

Chlodovechus rex cum Alarico rege Gothorum in campo Vogladense decimo ab urbe Pictava miliario convenit—

clearly comes from a chronicle. On the other hand the story of Childeric's flight to Thuringia and marriage with Basina is clearly from an oral source and has undergone the influence of popular imagination. The Annals which Gregory used in chaps. 18 and 19 are conjectured to have been composed in Angers.

The determination of the chronology of Chlodwig's reign would be impossible from Gregory's data alone; it depends on certain data of his contemporary, Marius of Aventicum, who made use of the lost South-Gallic Annals (see above). Thus

Marius gives A.D. 548 for the death of Theudebert and A.D. 561 for the death of Chlotachar. We know from Gregory (*a*) that thirty-seven years elapsed between the death of Chlodwig and that of Theudebert, and (*b*) that Chlotachar died in the fifty-first year of his reign. These data combined point to A.D. 510 or 511 as the year of Chlodwig's death. The date subscribed to the acts of the Council of Orleans (July 10, 511), held when Chlodwig was still alive, proves that the latter is the true date.

MODERN WORKS. Hodgkin, Italy and her Invaders, vol. ii. for the last western emperors, vol. iii. for Odovacar, Theodoric, and events in Africa and Italy up to A.D. 535, vol. iv. for the Imperial Restoration. Ranke, Weltgeschichte, vol. iv. J. C. Manso, Geschichte des ost-gothischen Reiches in Italien (1824). Dahn, Könige der Germanen. R. Köpke, Die Anfänge des Königthums bei den Gothen. Papencordt, Geschichte der Vandalen. For the overthrow of the Vandals and Imperial settlement of Africa: C. Diehl, L'Afrique Byzantine (1896). For oriental affairs: Rawlinson, Seventh Oriental Monarchy. For the economic state of the empire under Justinian: Finlay, Hist. of Greece, vol. i.

Monographs: Lord Mahon (afterwards Earl Stanhope), Life of Belisarius; Hodgkin, Theodoric the Goth, 1891; Bryce, Justinian (in the Dictionary of Christian Biography); A. Debidour, L'impératrice Théodora (1885); A. Rose, Anastasius I. (1882). On the military establishment of the Empire in Justinian's reign, C. Benjamin, De Iustiniani imp. aetate quaestiones militares, 1892. Many others are referred to elsewhere in this volume.

2. ODOVACAR'S GRANT TO PIERIUS

An interesting memorial of the administration of Odovacar survives in a deed of donation to his Count of Domestics, Pierius. The papyrus document (dated at Ravenna in A.D. 489) is preserved in two parts, of which one is at Naples, the other at Vienna. It was published in 1805 in Marini's *Papiri diplomatici*, but the English reader will find it convenient to consult the text (with a clear exposition) in Hodgkin's *Italy and her Invaders*, iii. note B. (p. 165 *sqq.*). Odovacar granted his minister estates which were to yield an income amounting to the value of about £414. These estates were (1) in the territory of Syracuse, (2) the island of Meleda on the Dalmatian coast. Pierius had already received these lands, but, as they only produced about £390, Odovacar completes in this document the promised revenue by adding some small farms to the Syracusan estate, calculated to yield £24 9*s*. (so that Pierius gained an additional 9*s*. or $\frac{3}{4}$ of a solidus). The document is not signed by Odovacar. It is probable, as Dahn observes (Kön. der Germanen, ii. 48), that he could not write.

3. THE ORIGIN OF MONASTICISM—(C. XXXVII.)

For his account of the beginnings of monasticism in Egypt, Gibbon has not given to the Abbot Pachomius his due place, and seems almost to regard him as merely a follower of Antony. Nor has he perhaps brought out with sufficient distinctness the contrast between the hermits and the monks.

The best known authorities for the origin of Egyptian monasticism are Rufinus, Palladius, and Sozomen. But the accounts of these three writers are, for the most part, not independent. All three, as has been proved by the researches of Lucius and Amélineau, go back to common sources,—works which were written in the Coptic of Upper Egypt, but were probably accessible in a Greek form before the year A.D. 400. The *Historia Lausiaca* of Palladius depends entirely on such sources for Upper Egypt; but the account of the monks of Lower Egypt is based on the author's personal investigations as well as on literary (Coptic) sources.

One of the most important of the sources of Palladius and Sozomen for the monastic foundations of Upper Egypt was the Coptic Life of the great founder

imself, the Abbot Pachomius; and this biography is fortunately preserved to s in various recensions. There are (*a*) some fragments of the original Life, as it as written down in the Coptic of Upper Egypt, after the death of Pachomius, y monks of Phbôou; (*b*) a late Arabic version; (*c*) a version in the Coptic of ower Egypt; (*d*) three Greek recensions, and a Latin translation of a fourth, y Dionysius Exiguus (a Roman abbot of the sixth century). The two most mportant Greek recensions were published in the Acta Sanctorum, May, vol. iii. p. 25 *sqq.*); the Coptic and Arabic versions (French translation) have been re-ently given to the world by Amélineau (Annales du Musée Guimet, xvii., 1889). This publication of Amélineau has put the historical investigation of the work of Pachomius on a new footing. The Coptic and Arabic versions bring us much nearer to the original form of the biography of the saint. We have only one Greek source that does not depend on a Coptic original: a Letter of Bishop Ammon to the Patriarch Theophilus of Alexandria (c. 400 A.D. ?),—an important document (Acta Sanctt. May, vol. iii., p. 63 *sqq.*). The mutual relations of all hese sources have been investigated in a valuable monograph by Dr. Grützmacher, Pachomius und das älteste Klosterleben, 1896.

Pachomius was born in A.D. 285, founded his first cloister at Tabennisi c. A.D. 322, afterwards made the cloister of Phbôou his residence, died in A.D. 345. These dates have been determined by Gwatkin and Grützmacher.) But in his youth, before he became a Christian, Pachomius lived as a monk of Serapis at Schénésit or Chenoboscium, near Diospolis in the southern Thebaid. His biography states that he occupied himself with growing palms and vegetables, which supplied both his own needs and those of poor neighbours and travellers. We must not indeed derive Egyptian monasticism from the cult of Serapis by the recluses who lived together in his temples; but it can hardly be denied that this heathen institution had a considerable influence on the Christian ascetics, and it is significant that the founder of monastic communities had been a recluse of Serapis. The tonsure seems undoubtedly to have been borrowed from the practice of the votaries of the Egyptian deity.

Between the solitary cell of Antony and the organized monastery of Pachomius, there was the intermediate stage of colonies of hermits. Pachomius joined a colony of this kind, which was under the guidance of Palaemon, south of Chenoboscium. Here he became convinced that life in a society of recluses was a more perfect state than the solitary life of an anachoret; and conceived the idea of a strict organization.

The clergy were at first bitterly opposed to the monastic spirit. The struggle comes out in the Coptic and Arabic recensions of the Life of Pachomius; it has been softened down and almost disappears in the Greek versions. The bishops and clergy persecuted the monks. The Church, however, soon found it necessary to reconcile itself to a movement which was far too strong to be suppressed and to concede its approval to the monastic ideal. This reconciliation was due to the wisdom of the Patriarch Athanasius. It has been well said that his Life of S. Anthony is the seal which the Church set on its recognition of the new movement (Grützmacher).

[Literature. Helyot's great Histoire des ordres monastiques was used by Gibbon. German works by Fehr, Biedenfeld, Möhler, and Evelt are cited by H. Richter, das weström. Reich, p. 674; also Mangold, de monachatus origine et causis. Weingarten, Der Ursprung des Mönchtums im nachkonstantinischen Zeitalter, 1877 (advocates the Serapean origin of monasticism). Harnack, Das Mönchtum, seine Ideale und seine Geschichte, 1886. Mayer, Die christliche Askese, ihr Wesen und ihre geschichtliche Entfaltung, 1894. Amélineau, *op. cit.*, and Etude historique sur St. Pachome, 1888. Grützmacher, *op. cit.* For the monks of Serapis: Revillout, Le reclus du Sérapeum, in the Rev. Egyptol., 1880, vol. i. On the sources of Palladius, &c.: Lucius, Ztschrift. für Kirchengeschichte, 7, p. 163 *sqq.* (1885). For the Regula of St. Pachomius, we have now (besides Palladius, Sozomen, the version of the Vita Pachomii, by Dionysius Exiguus), as well as the Arabic version of the Vita Pachomii, also an Ethiopic

recension. It was published by Dillmann in 1866 (in his Chrestomathia æthiopica and has been translated by König in Studien und Kritiken, 1878.]

The history of monasticism in Palestine, where Hilarion (A.D. 291-371) occupi somewhat the same position as Pachomius in Egypt, is derived from the lives the great abbots (Hilarion, Chariton, Euthymius, Sabas, Theodosius, &c.) as we as the ecclesiastical historians. The recent work on the subject by Fathe Oltarzhevski (Palestinskoe Monashestvo s iv. do vi. vieka, 1896), though it contain a great deal of material, seems to be superficial and unmethodical.

4. THE GOTHIC ALPHABET OF ULFILAS—(P. 76)

The statements of Gibbon that the alphabet of Ulfilas consisted of twenty four letters, and that he invented four new letters, are not quite accurate. Th Goths before Ulfilas used the Runic alphabet, or *futhorc* (so called from th first six letters), consisting of twenty-four signs. Ulfilas based his alphabet o the Greek, adopting the Greek order; and adapted it to the requirements o Gothic speech. But his alphabet has twenty-five letters; five of them ar derived from the Runic, one from the Latin (S), and one is of uncertain origin This uncertain letter has the value of Q, and corresponds, in position in th alphabet, to the Greek numeral *sigma* (between E and Z). It is remarkabl that the letters Θ and Ψ are interchanged. Ψ is adopted to represent *th*, an occupies ninth place, corresponding to Θ, while Θ is used for the sound W an holds the place coresponding to Ψ. Thus the two additional symbols whic Gibbon selects for special mention are Greek, but applied to a different use. Th English equivalents of the Gothic letters are as follows, in alphabetical order :—

A, B, G, D, E, Q, Z, H, Th, I, K, L, M, N, J (runic), U (runic), P, R (runic) S, T, V, F (runic), Ch, W, O (runic).

5. THE SAXON CONQUEST OF BRITAIN—(P. 145)

In regard to Vortigern's invitation, Mr. Freeman observes (Norman Conquest i. 13-14) :—

"The southern Britons were now exposed to the attacks of the Picts and Scots who had never submitted to the Roman yoke, and there is no absurdity in the familiar story that a British prince took Teutonic mercenaries into his pay and that these dangerous allies took advantage of the weakness of their hosts t establish themselves as permanent possessors of part of the island. But if the account be rejected, the general narrative of the Conquest is in no way affected and, if it be accepted, we may be sure that Vortigern's imitation of many Roman precedents did but hasten the progress of events. The attempts which had been checked while the Roman power was flourishing were sure to be re newed when the check was withdrawn, and if a Welsh King did invite a Jutish chieftain to defend him, that invitation was only the occasion, and not the cause, of the conquest which now began."

The conquest began about the middle of the fifth century; but, as Mr. Plummer observes (in his ed. of Bede, vol. ii., p. 27), it is improper to interpret Bede as committing himself (in B. i. 15) to the year A.D. 449 for the first coming of the Saxons. "Bede never professes to know the exact year . . . he always uses the word 'circiter' in reference to it"—and *circiter* covers A.D. 446-457.

In earlier times of course the shore of Britain was exposed to the raids of Saxon pirates, against which the Count of the Saxon shore had to guard. For the *littus Saxonicum* meant the shore exposed to Saxon pirates, not the shore colonized by Saxon settlements. Cp. Freeman, *op. cit.*, p. 11, note 2; Stubbs, Const. Hist. of England, i. p. 64.

For the Saxon conquest in general see Guest, Origines Celticae, vol. ii.; Freeman, *op. cit.*, cap. 2; J. R. Green, Making of England. The Ecclesiastical

istory of Bede (with his other works) has been edited by Mr. Plummer (1896)—truly admirable edition; and by Mommsen in the Chronica Minora, vol. iii., hich also includes Gildas and Nennius. The chief work on Nennius is H. ımmer's *Nennius vindicatus*, 1893.

6. GIBBON ON THE HOUSE OF BOURBON—(P. 165)

"A Julian or Semiramis may reign in the North, while Arcadius and Ionorius again slumber on the thrones of the House of Bourbon."

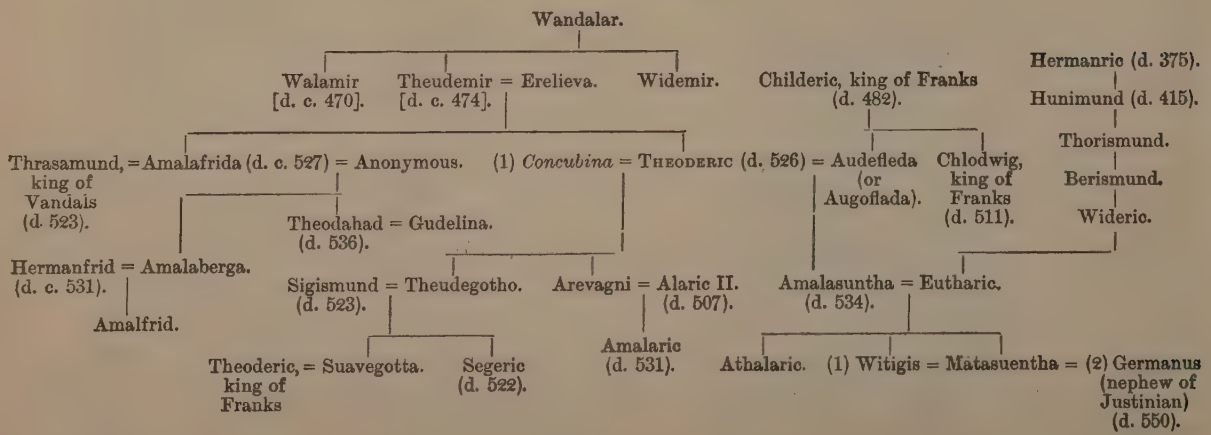
Thus the passage appeared in the first quarto edition (1781). In his Autoiography (Memoir E, in Mr. Murray's edition, 1896, p. 324) Gibbon makes the ollowing statement in a footnote:—

"It may not be generally known that Louis XVI. is a great reader, and a eader of English books. On the perusal of a passage of my History (vol. iii. 636), which seems to compare him with Arcadius or Honorius, he expressed his esentment to the Prince of B——, from whom the intelligence was conveyed to e. I shall neither disclaim the allusion nor examine the likeness; but the tuation of the *late* King of France excludes all suspicion of flattery, and I am eady to declare that the concluding observations of my third Volume were ritten before his accession to the throne."

Gibbon, however, altered the words "House of Bourbon" to "South" in his ter edition, thus making the allusion ambiguous.

7. FAMILY POLICY OF THEODORIC—(P. 183)

Theodoric's system of connecting himself by matrimonial alliances with the Teutonic monarchs of Western Europe will be illustrated by a genealogical table.



8. AN INSCRIPTION OF THEODORIC—(P. 193)

The inscription on the draining of the Pomptine marshes by Theodoric, eserved at Mesa, is as follows:

D(ominus) n(oster) glrsmus [= gloriosissimus] adq(ue) inclyt(us) rex Theoderi-s vict(or) ac triumf(ator), semper Aug(ustus), bono r(ei) p(ublicae) natus, custos ertatis et propagator Rom(ani) nom(inis), domitor gtium [= gentium] Decen-vii [1] viae Appiae id (est) a Trip(ontio) usq(ue) Tarric(inam) iter et loca quae nfluentib(us) ab utraq(ue) parte palud(ibus) per omn(es) retro princip(es) inund-erant [2] usui pub(li)co et securitate [leg.—*ati*, Mommsen] viantium admiranda opitio deo felic(ita)te restituit; operi iniuncto naviter insudante adq(ue) ementissimi princip(is) feliciter deserviente p(rae) coniis ex prosapie Deciorum aec(ina) Mav(ortio ?) Basilio Decio v(iro) c(larissimo) et ill(ustri) ex p(ræfecto) rbi) ex p(raefecto) p(raetorio), ex cons(ule) ord(inario) pat(ricio), qui ad perpetu-adam tanti domini gloriam per plurimos qui non ante [*fuerant* suppl. Momm-n] albeos deducta in mare aqua ignotae atavis et nimis antiquae reddidit ecitati.

See Corp. Inscr. Lat., X., p. 690 *sqq*.

9. JUSTINIAN'S POSITION IN JUSTIN'S REIGN—(P. 207, 208)

Procopius in his *Secret History* ascribes to Justinian supreme influence in olitical affairs during the whole reign of his uncle Justin, and even dates the eginning of Justinian's rule from A.D. 518, as has been shown by Haury rocopiana, 1891). In this connexion it may be pointed out that the Codex Am-rosianus, G. 14 sup. (= Cod. Pinellianus) preserves in c. 19 a notice which does ot occur in the Mss. on which the text of Alemannus is based. It is given by . Krasheninnikov in a paper on the Mss. of the Secret History (in Viz. remenn. ii. p. 421). After the words διακόσια καὶ τρισχίλια χρυσοῦ κεντηνάρια the riginal text of Procopius proceeded: ἐν δημοσίῳ ἀπολιπεῖν ἐπι μέντοι Ἰουστίνου ἔτη νέα τὴν αὐτοκράτορα ἀρχὴν ἔχοντος τούτου Ἰουστινιανοῦ ξύγχυσίν τε καὶ ἀκοσμίαν τῇ ολιτείᾳ προστριψαμένου τετρακισχίλια κεντηνάρια κ.τ.λ.

Panchenko (Viz. Vrem. iii. p. 104) calls attention to the statement of Leontius f Byzantium (cp. Loofs, Leontius, p. 146; Migne, P. G. 86, 1229): ἀποθανόντος Ἀναστασίου γίνεται βασιλεὺς Ἰουστίνος ὁ πρῶτος καὶ ὡς μετὰ ἕνα ἤμισυ ἐνιαυτὸν ὁ θέως Ἰουστινιανός. τούτου δὲ βασιλεύοντος . . . ὁ Σεβῆρος φεύγει εἰς τὴν Ἀλεξάνδρειαν. oes the date refer to the position of Justinian after the death of Vitalian, .D. 520?

In regard to the death of Vitalian, it has been urged for Justinian that his uilt rests on the evidence of the Secret History, Evagrius, and Victor Tonn.; hat Victor does not vouch himself for the charge against Justinian (his words re: Justiniani patricii factione *dicitur* interfectus esse), and that Evagrius derived is information from the Secret History; thus the statements of the Secret History ould be practically unsupported. See Loofs, *Leontius von Byzanz*, p. 259. here is no proof, however, that Evagrius knew the Secret History; it is certain hat Vitalian was slain *in the Palace* (John Malal., p. 412); and we may, with anchenko (Viz. Vrem. iii., p. 102), ascribe some slight weight to the principle *rofuit*.

10. THE DEMES OF CONSTANTINOPLE—(P. 220)

The view of Gibbon that the popular dissensions of the *demes* (δῆμοι) or *parties* μέρη) which distracted Constantinople, Antioch, and other cities of the East in

1 This name seems to have been then applied to the whole marsh from Tripontium to Tarracina (Mommsen).

2 = Sub aqua fuerunt (Mommsen).

the sixth century had their root and origin in the exuberant licence of ' hippodrome ; that the acts and demonstrations of the Greens and Blues w purely wanton outbreaks of a dissolute populace ; that the four *demes* had significance except in connexion with the races of the hippodrome ; this view held its ground till the other day, though it is open to serious and by no me recondite objections. The brilliance of Gibbon's exposition has probably hel to maintain it. The French historian and politician, M. A. Rambaud, wrot thesis to prove that the "parties" were merely factions of the hippodrome *μέρη nihil nisi hippicas fuisse factiones, op. cit. infra*). But on this view name δῆμοι is quite inexplicable, and the part played by the Blues and Gre (with the Reds and Whites, who were submerged in them respectively as integ subdivisions) in the Ceremonies of the Imperial Court as described by Const tine Porphyrogennetos (in the *De Cerimoniis*) points to a completely differ conclusion. These considerations led Th. Uspenski to the right view of the der as organized divisions of the population. He worked out this view in a pape the Vizant. Vremennik (Partii Tsirka i dimy v Konstantinopolie), vol. i., p. 1- The data of Constantine's Book of Ceremonies show that the demes were divic into civil and military parts, which were called respectively *Political* a *Peratic*. The *Political* divisions were under demarchs ; while the *Peratic* w subject to *democrats*. The democrat of the Blues was the Domestic of Scholae ; the democrat of the Greens was the Domestic of the Excubiti ; a this circumstance proves the original military significance of the Peratics. T the demes had an organization for military purposes comes out repeatedly in history of the sixth century. For example, the Emperor Maurice on one oc sion "ordered the demes (τοὺς δήμους) to guard the Long Walls".[1] The E peror Justinian, when the inhabitants of the country near Constantinople f into the city before the invasion of Zabergan, is said to have "enrolled many the demes," [2] and sent them to the Long Wall. It is highly probable that dissatisfaction of the people of Constantinople with the Emperor Maur (against whom *both Blues and Greens* combined, although they were divided the question of his successor) was due to his imposing upon them increa military duties.

The political significance of the demes is unmistakable in such a passage Theophanes' notice of the accession of Justin (p. 165, ed. de Boor): ὁ δὲ στρα καὶ οἱ δῆμοι οὐχ εἵλαντο Θεόκριτον βασιλεῦσαι, ἀλλ' Ἰουστῖνον ἀνεκήρυξαν. Here th can be no question of mere Hippodrome-factions. The true importance o Demes has been recognized by H. Gelzer, who suggests a comparison with Macedonian Ecclesia of Alexandria under the elder Ptolemies.[3] The De organization represents a survival of the old Greek *polis*.

But the problem how the Demes came to be connected with the colours of circus has still to be solved. We have no clue when or why the Reds a Whites, which were important in Old Rome, came to be lost in the Blues a Greens. In the sixth century the outbreaks of the demes represent a l struggle for municipal independence, on which it is the policy of imperial solutism to encroach. The power of the demarchs has to give way to control of the Præfects of the City. We are ignorant when the Peratics w organized separately and placed under the control of the Domestics of Guards. M. Uspenski guesses that this change may have been contemporane with the first organization of the Theme-system (p. 16).

[Literature: Wilcken, Ueber die Partheyen der Rennbahn, in the Abh. of Berlin Acad., 1827 ; Rambaud, De Byzantino hippodromo et circensibus f tionibus, 1870 ; cp. Friedländer, Sittengeschichte, vol. 2. Uspenski, *op. cit.*]

[1] Theophanes, p. 254, ed. de Boor.

[2] ἐδημότευσε πολλούς. I feel no doubt that this explanation of Uspenski (p. 14) correct.

[3] In Krumbacher's Gesch. der byz. Litteratur, ed. 2, p. 930.

11. THE NIKA RIOT

Gibbon does not distinguish the days on which the various events of the Nika t took place, and he has fallen into some errors. Thus, like most other his- ians, he places the celebrated dialogue between Justinian and the Greens on Ides of January, whereas it took place two days before. The extrication of order of events from our various sources is attended with some difficulty. e following diary is based on a study of the subject contributed by me to the urnal of Hellenic Studies, 1897.

Sunday, Jan. 11 (Ἄκτα διὰ Καλαπόδιον). The Greens complain in the Hippodrome to the Emperor of the conduct of Calapodius. Dialogue of Justinian with the Greens (described by Theophanes). The Greens leave the Hippodrome.

In the evening a number of criminals, both Blues and Greens, are executed by the Praefect of the City. This execution was doubtless a consequence of the scene in the Hippodrome, being designed to display the Emperor's impartiality to Blues and Greens alike.

A Blue and a Green are rescued and taken to the Asylum of St. Laurentius.

Monday, Jan. 12. The interval of a day gives the two factions time to concert joint action for obtaining the pardon of the two rescued criminals.

Tuesday, Jan. 13. Great celebration of horse-races in the Hippodrome (for which the races of Sunday were a sort of rehearsal). Both Demes appeal to the Emperor for mercy in vain. They then declare their union openly (as the *Prasinoveneti* or Green-Blues).

In the evening they go in a crowd to the Praefect of the City and make a new demand for a reprieve. Receiving no answer they attack the Praetorium and set it on fire; prisoners in the Praetorium prison are let out.

The rioters then march to the Augusteum to attack the Palace. There are conflagrations during the night and ensuing day, and the following buildings are destroyed: the Chalkê or portico of Palace, the Baths of Zeuxippus, the Senatehouse of the Augusteum, the Church of St. Sophia. This is the *first* conflagration.

Wednesday, Jan. 14. The riot, which had begun with a demand for a reprieve, now develops into an insurrection against the oppression of the administration. The outcry is directed especially against John the Cappadocian, Tribonian, and Eudaemon (Praef. of the City). Justinian yields to the pressure and deposes these ministers. But it is too late; the insurgents are determined to depose him, and the idea is to set in his place a member of the house of Anastasius. As Hypatius and Pompeius were in the Palace the people rush to the house of their brother Probus. But Probus is not found, and they set fire to his house.

Thursday, Jan. 15. Belisarius, at the head of a band of Heruls and Goths, issues from the Palace and attacks the mob. Fighting in the streets. It was, perhaps, on this day that the clergy intervened.

Friday, Jan. 16. A new attack is made on the Praetorium. Fighting in the streets continues, and a *second* conflagration breaks out in the quarter north of S. Irene and the Hostel of Eubulus. The fire, blown southward by a north wind, consumes this Hostel, the Baths of Alexander, the Church of St. Irene, and the Hostel of Sampson.

Saturday, Jan. 17. The fighting continues. The rioters occupy a building called the *Octagon* (near the Basilica). The soldiers set fire to it, and a *third* conflagration ensues. This fire destroys the Octagon, the Church of St. Theodore Sphoracius, the Palace of Lausus, the Porticoes of the Mesê or Middle Street, the Church of St. Aquilina, the arch across the Mesê close to the Forum of Constantine, &c.

Evening, Hypatius and Pompeius leave the Palace.

Sunday, Jan. 18. Before sunrise Justinian appears in the Hippodrome a takes an oath before the assembled people, but does not produce t desired effect. Hypatius is proclaimed; Justinian contemplates flight; council is held in the Palace, at which Theodora's view prevails.

The revolt is then suppressed by the massacre in the Hippodrome.

Monday, Jan. 19, before daylight Hypatius and Pompeius are executed.

The final massacre is commonly placed on the Monday, but I have shov that it must have occurred on Sunday (*op. cit.*).

[Special monographs: W. A. Schmidt, Der Aufstand in Constantinopel unt Kaiser Justinian, 1854; P. Kalligas, περὶ τῆς στασεως τοῦ Νίκα (in Μελέται καὶ λόγ p. 329, *sqq.*) 1882.]

12. ROUTES AND COMMERCE BETWEEN THE EMPIRE AND CHIN —(P. 230 *sqq.*)

(Reinaud, Relations Politiques et Commerciales de l'Empire romain av l'Asie orientale, 1863; Pardessus in the Mém. de l'Acad. des Inscr., 1842, s above p. 229; F. von Richthofen, China, i., 1877; Bretschneider in Notes ar Queries on China and Japan, vol. iv.; F. Hirth, China and the Roman Orien researches into their ancient and mediæval relations, as represented in o Chinese Records, 1885; R. von Scala, Ueber die wichtigsten Beziehungen d Orients zum Occidente. The work of Hirth is admirably done; he gives t literal translations of the Chinese texts, and explains their date and characte so that the reader knows what he is dealing with and can test Hirth's conclusion But Hirth seems to have no acquaintance with Cosmas Indicopleustes.)

The earliest certain mention of the Roman Empire in Chinese history[1] is the Hou-han-shu, which, written during the fifth century, covers the period A. 25 to 220. Its sources were the notes made by the court chroniclers from day day, which were carefully stored in the archives and concealed from the monarc himself, and thus supplied impartial and contemporary material to subseque historians. We learn from this history that, in the year A.D. 97, a certain Ka ying was sent as an ambassador to Ta-ts'in. He arrived at T'iao-chih on t coast of the great sea. But when he was going to embark the sailors said to hin "The sea is vast and great; with favourable winds it is possible to cross with three months, but if you meet slow winds, it may also take you two years. It for this reason that those who go to sea take on board a supply of three years' pr visions. There is something in the sea which is apt to make man homesick, ar several have thus lost their lives." Hearing this, Kan-ying gave up the idea visiting Ta-ts'in (Hirth's translation, *op. cit.*, p. 39).

It has been fully shown by Hirth that Ta-ts'in does not mean the who Roman Empire, but only the eastern part of it, especially Syria, and that t royal city of Ta-ts'in always means Antioch. In the seventh century we fir meet *Fu-lin*, the mediæval name of Ta-ts'in. The appearance of this new nam has been probably connected with the Nestorian mission in China (see below, vo v., c. xlvii.); and Hirth thinks it represents *Bethlehem*—plausibly, *if* he is rig in supposing that the old pronunciation was *bat-lim*.

The episode of Kan-ying shows that the trade route between China and t west in the first century A.D. was overland to Parthia; but thence from the ci of T'iao-chih (which Hirth identifies with Hira) by river and sea round Arabi to Aelana, the port of Petra at the head of the Red Sea, and Myos Hormos on t coast of Egypt. We also see that the carrying-trade between China and t Empire was in the hands of the Parthian merchants, whose interest it was prevent direct communications. The kings of Ta-ts'in "always desired to se

[1] Syria *may* be mentioned earlier in the Shih-chi (written about B.C. 91), under the nam of Li-kan, which Hirth proposes to identify with Rekem = Petra (*r* is regularly represent by *l* in Chinese pronunciation, at least in certain dialects). Certainly the Hou-han-s expressly identifies Li-kan with Ta-ts'in,

bassies to China but the An-hsi [Parthians] wished to carry on trade with m in Chinese silks, and it is for this reason that they were cut off from com-nication" (Hou-han-shu).

This arrangement was changed after the Parthian war of Marcus Aurelius in b. 166, and we now have the satisfaction of meeting the name of a Roman Em-ror, in a shape that can be easily recognized, in the Chinese Chronicles. We id in the same document this important historical notice (*ib.* p. 42):

"This [the indirect commerce] lasted till the ninth year of the Yen-hsi period ring the Emperor Huan-ti's reign [*i.e.*, A.D. 166], when the king of Ta-ts'in, n-tun, sent an embassy who, from the frontier of Jih-nan [Annam], offered ivory, inoceros horns, and tortoise shell. From that dates the [direct] intercourse th this country."

In view of the date, the most sceptical critic can hardly refuse to recognize in ntun the name of (Marcus) Antoninus. But it is not legitimate to infer that a rmal embassy was sent by the Emperor. It is more probable (as Hirth points t) that merchants went on their own account and of course used the Emperor's me. When the new direct route was established, Taprobane or Ceylon was e entrepôt, where the Chinese and Roman vessels met and the goods were trans-ipped.

How far the overland routes were still used is not clear. It is supposed that e road from Seleucia to Antioch is described in the Hou-han-shu (p. 43), where ention is made of a flying-bridge which has been identified by Hirth with the iphrates-bridge at Zeugma. The road is described as safe from robbers, but ngerous from fierce tigers and lions. Nevertheless there is a difficulty in the terpretation of some Chinese words, which makes the identification of this ute uncertain. But in the statement that "every ten li [in this country] are arked by a t'ing, thirty li by a chih [resting-place]" we can recognize the thirty adia, and the three Arabian miles, which were equivalent to a parasang (Hirth, 223).

The chief products which went to China from the Roman orient were: precious ones, glass, the textile fabrics of Syria, including silk rewoven and dyed, storax id other drugs. Syria was famous as a centre of traffic in precious stones. In ie Hou-han-shu (p. 43) it is sceptically remarked: "the articles made of rare ecious stones produced in this country are sham curiosities and mostly not enuine".

Antioch, the capital of Ta-ts'in, is described in several of these Chinese istories, and its name is given (in the Wei-shu, sixth century) as An-tu. We can cognize in this description (p. 49) the *tetrapolis*, or four cities, of Antioch, and Hirth has shown that the measurements given by the Chinese historians may not e far from the truth. The news of the conquest of Antioch and Syria by the aracens reached China in A.D. 643 and is recorded in another history (tenth entury; p. 55).

13. JUSTINIAN'S COINAGE—(P. 238-9)

"Anastasius introduced a new copper coinage in the year 498, in order to elieve the people from the inconvenience resulting from the great variety in the eight and value of the coins in circulation, many of which must have been uch defaced by the tear and wear of time. The new coinage was composed of ieces with their value marked on the reverse by large numeral letters indicating he number of units they contained. The nummus, which was the smallest opper coin then in circulation, appears to have been taken as this unit, and its eight had already fallen to about 6 grains. The pieces in general circulation ere those of 1, 5, 10, 20 and 40 nummi, marked A, E, I, K and M.

"Justin I. followed the type and standard of Anastasius, but the barbarous abric of his coins, even when minted at Constantinople, is remarkable. The ame system and the same barbarism appear in the copper money of Justinian I. ntil the twelfth year of his reign, A.D. 538. He then improved the fabric and

added the date, numbering the years of his reign on the reverse. Though th value of copper had been fixed by the code at a higher rate than by the law 396, since a solidus was exacted where twenty pounds of copper were due to th fisc, Justinian nevertheless increased the size of his copper coins. Now if w suppose the coins to have corresponded with the value of the copper as indicate in the code, the normal weight of the nummus being 10 grains, the piece 40 nummi would be equal to a Roman ounce, and 240 ought to have bee current for a solidus. No piece of 40 nummi has yet been found weighing a ounce, and it has been supposed that these pieces are the coins mentioned b Procopius, who says that previous to the reform the money-changers gave 2 obols, which were called pholles, for a solidus, but that Justinian fixed th value of the solidus at 180 obols, by which he robbed the people of one-sixth the value of every solidus in circulation. It has, however, lately been con jectured that the obolus to which Procopius alludes was a silver coin, an according to the proportion between silver and gold then observed at the Roma mint, a silver coin current as $\frac{1}{180}$ of a solidus ought to have weighed 5·6 grains and such pieces exist. It is not probable that the copper coinage of Justinia was ever minted at its real metallic value, and it is certain that he mad frequent reductions in its weight, and that specimens can be found differing i weight which were issued from the same mint in the same year. An issue o unusually deteriorated money in the twenty-sixth year of his reign caused a insurrection, which was appeased by recalling the debased pieces" (Finlay History of Greece, vol. i. p. 445-7).

14. ORACLES IN PROCOPIUS—(P. 307)

Two Latin oracles, quoted and translated by Procopius in Bell. Got. Bk. i. have perplexed interpreters. The Latin words, copied by Greek scribes ignoran of Latin, underwent corruption. One general principle of the corruption i clear. Those Latin letters which have a different form from the correspondin Greek were assimilated to Greek letters of similar form but different sound Thus P was taken for *Rô*, C for *Sigma*, F was assimilated to E. Thus EXPEDIT would appear as ἐχρεδίτα (as we actually find it in the Oxford Ms. of Joh Malalas, p. 427, ed. Bonn). AFRICA CAPTA would be set down in the form ἀεριστ σαρτα.

(1) The oracle concerning Mundus, to which Gibbon refers as obscure, appear thus in the best Ms. (ed. Comparetti, i. p. 47) :—

αεριcαcαρτα mudus cum natu ρεριστηλ

(other Mss. give ἀερίσας ἄρτα and ρεριστασι or τζεριστασι).

The interpretation of the first five words is clear :—

Africa capta Mundus cum nato . . .

but the last seven (eight ?) characters can hardly represent *peribit* or *peribunt* though some part of *perire* (Procop. gives ἀπολεῖται) seems to lurk in them.

(2) The Sibylline prophecy with which the besieged Romans consoled them selves in the spring of A.D. 537, that in the month of July a king would arise fo the Romans and deliver them from fear of the Goths, is recorded in bk. i. c. 2 (Comparetti, p. 177), and is more difficult. The best Mss. give the Latin i peculiar characters which cannot be here reproduced (see Comparetti); the res give a Greek transliteration :—

ἦν τι υιοιμεν ζὲ και ιβεννω. και κατε νησι γὰ σοενιπιήν ἔτι σο πιαπίετα.

The interpretation of Procopius is: χρῆναι γὰρ τότε βασιλέα Ῥωμαίοις καταστῆνα τινα ἐξ οὗ δὴ Γετικὸν οὐδὲν Ῥώμῃ τὸ λοιπὸν δείσειε.

Comparetti gives as the original :—

Quintili mense sub novo Romanus rege nihil Geticum iam metuet.

ut the words *sub novo Romanus rege* are not there. By a careful examination f the characters it may, I think, be shown that the oracle ran :—

Quintili mense si regnum stat in urbe nihil Geticum iam ——

he last word reads *atmet* (possibly, by an anagrammatic mistake, *metuat*).

15. KOTRIGURS, UTURGURS, TETRAXITE GOTHS—(P. 344, 426)

It was natural enough for Gibbon to describe the people of Zabergan who inaded the Illyric peninsula in A.D. 559 as Bulgarians. Victor Tonnennensis *ad nn.* 560 has the notice : Bulgares Thraciam pervadunt et usque ad Sycas Contantinopolin veniunt ; and it is clear that he refers to the same invasion which s described in detail by Agathias. Malalas, in his record of the event (p. 490 ; March A.D. 559), describes the invaders as οἱ Οὖννοι καὶ οἱ Σκλάβοι, Huns and Slavs and his notice is copied by Theophanes, p. 233, ed. de Boor). But Agathias loes not speak of Bulgarians or Slavs ; in his history Zabergan is the chief of he Kotrigur Huns, whom we already knew from Procopius. In the Gothic War, B. 4, c. 4, 5, 18, Procopius explains that the Kotrigurs dwell "on this side of the Maeotic Lake," the Uturgurs (who appear in Agathias as the Utigurs[1]) beyond it, on the east side of the Cimmerian Bosporus. The Don was the boundary between their territories. And both Procopius and Agathias represent Kotrigurs and Utigurs as tribes of Huns. There can be no doubt that Kotrigurs, Utigurs, and Bulgarians belonged to the same race as the Huns of Attila and spoke tongues closely related,—were, in fact, Huns They had all been under Attila's dominion.

The close relation of kinship, and at the same time a clearly marked political distinction, between the Kotrigurs, Uturgurs and Bulgarians is shown by the legends which represent (1) Kuturgur and Uturgur as the sons of the same father, who divided his kingdom (Proc. B. G. iv. 5), and (2) Kotragos as a son of Kuvrat, the ancestor of the Bulgarians (Nicephorus Patriarch., Brev. p. 33, ed. de Boor ; Theophanes, p. 321, ed. de Boor), along with the notice (*ib.*) that the Kotragoi near Lake Maeotis are ὁμόφυλοι of the Bulgarians.

But it is highly improbable that Kotrigur is another name for Bulgarian. It is far safer to keep tribes apart than to identify them. The Kotrigurs (as is clear from Procopius) abode between the Don and the Dnieper ; the Bulgarians, whose invasions of Thrace began in the end of the fifth century, as we know from Ennodius and Marcellinus, were probably settled nearer the Danube (in Moldavia and Bessarabia). Compare Jordanes, Getica, c. 37, p. 63, ed. Mommsen.

We must therefore explain the notice of Victor Tonnennensis by the natural supposition that Bulgarians joined in the Kotrigur expedition ; and that Slavs, from the regions north of the Danube, also took part in it, is stated by Malalas.

The previous dealings of Justinian with these Huns of the Dnieper and Don are recorded by Procopius (B. G. 4, 18, 19). He adopted the same principles of policy which were afterwards formulated into a system in the *De Administratione Imperii* of Constantine Porphyrogennetos. The danger to the Empire was from the Kotrigurs who were nearest to it ; and so Justinian cultivated friendly relations with the Uturgurs who were farthest from it, gave them yearly presents, and endeavoured to stir up discord between the two peoples. In A.D. 550, a band of Kotrigurs, invoked by the Gepids against their enemies the Lombards, crossed the Danube and ravaged Imperial territory. Justinian incited Sandichl, the king of the Uturgurs, to invade the Kotrigur territory, where he wrought great destruction (? A.D. 551). The same policy was repeated after the invasion of Zabergan in A.D. 559 ; and Sandichl, having captured their wives and children,

1 Priscus has Onogurs ; Theophylactus Unnugurs ; Jordanes Hunnigurs.

THEOL SEMINARY DEC 11 1902

met and defeated the warriors of Zabergan on their return from Thrace (see Agathias, 5, 24, 25, and Menander, fr. 3, F. H. G. iv. p. 202).

In the attack upon the Kotrigurs in A.D. 551, the Uturgurs were assisted by 2000 Tetraxite Goths. The remnant of the Goths who had not accompanied their brethren to new homes in Spain and Italy, remained in the Crimea. The events which followed the fall of Attila's empire led to their being split up into two parts. The Avars pressed on the Sabiri and other Hunnic peoples between the Caucasus and Lake Maeotis; the consequence was that there was a western movement; the Onogurs and others sought new abodes (Priscus, frag. 30). It is generally assumed, and doubtless justly, that the Onogurs of Priscus (the Hunugurs of Jordanes, and Unnugurs of Theophylactus) are the same as the Uturgurs of Procopius.[2] This being so, the Uturgurs or Onogurs return to their old abode; but instead of travelling round the shores of the Maeotic Sea, they enter the Crimea, which they find occupied by Huns (the Altziagiri[3]) and Goths. With a portion of the Gothic race they cross over the straits of Kertsch; the Tetraxite Goths, as they were called, establishing their abode near the coast, around the city of Phanagoria (in the peninsula of Taman).

These Goths were Christians, but they do not seem to have learned their Christianity from Ulfilas, for they were not Arians. Procopius says that their religion was primitive and simple. We here touch on a problem which has not been fully cleared up. In the year 547-8 they sent an embassy to Constantinople. Their bishop had died and they asked Justinian to send them a new one. At the same time the ambassadors in a private audience explained the political situation in the regions of Lake Maeotis and set forth the advantages which the Empire could derive from fomenting enmities among the Huns. An inscription has been recently found near Taman, on a stone which may have come from Phanagoria, and it possesses interest as being possibly connected with this negotiation. It was published by V. Latyshev (in the Vizantiski Vremennik, 1894, p. 657 *sqq.*), who sought to explain it by Justinian's political relations with Bosporus in A.D. 527-8 (see below), and dated it A.D. 533. But the serious objections to this explanation have been set forth by Kulakovski (Viz. Vrem., 1895, 189 *sqq.*).

We have clearly to do with a building—probably a church—built under the auspices, and at the expense (?) of Justinian, in the 11th indiction. The place where the stone was found indicates *prima facie* that it was a building at Phanagoria; for why should a stone relating to a building at Bosporus lie in the Taman peninsula? We may admit that Kulakovski may be right in identifying "the eleventh indiction" of the inscription with the year A.D. 547-8, in which Justinian gave the Tetraxite Goths a bishop. At the same time he may have subscribed money to the erection of a new church or the restoration of an old one. But to whichever of the three eleventh indictions of Justinian's reign the inscription belongs, it is an interesting monument of his influence in Taman.[4]

To return to the Crimea, it appears from Procopius (B. G. 4, 5) that it came under the power of the Kotrigur Huns. His narrative implies that Kotrigurs and Uturgurs had gone together westward and returned together eastward; and, while the Uturgurs crossed the Cimmerian straits, the Kotrigurs remained in, and north of, the Crimea.[5] The city of Cherson alone defied the barbarians and remained practically autonomous, though acknowledging allegiance to the Empire. No Roman governor ruled in Cherson until the ninth century.

Uturgur, or Utigur (Agathias), is probably the correct name; Onogur, or Unnogur, are the travesties of popular etymology, suggesting ὄνος or Οὖννος.

[3] Jordanes, Get. c. 37

[4] Since these words were written, A. Semenov has discussed the inscription (in Byz. Ztschrift., 6, p. 387 *sqq.*, 1897) with similar reserve.

[5] It is tempting to suppose that the Saragurs, mentioned along with the Onogurs by Priscus (fr. 30), is a mistake for the Kotrigurs. If so, Priscus and Procopius supplement each other beautifully. The Saragurs subjugated the Akatirs; this would represent the establishment of the Kotrigurs between Don and Dnieper.

Bosporus, too, was independent, but in the reign of Justin we find it acknowledging the supremacy of New Rome (Procopius, B. P. i. 12). Near it was settled a small tribe of Huns (? Altziagirs). At the time of Justinian's succession their king's name was Grod (Γρώδ, Malalas, Cod. Barocc.; Γορδᾶς, Theophanes, who took the notice from Malalas);[6] and he, desiring to become a Christian, went to Constantinople and was baptized. His journey had also a political object. Justinian gave him money and he undertook to defend Bosporus. The great importance of Bosporus at this time lay in its being the chief emporium between the Empire and Hunland. It seems pretty clear that Bosporus was at this time threatened by the Kotrigurs, and the journey of Grod may have been rather due to an invitation from Constantinople than spontaneous. That danger threatened at this moment is shown by the fact that Justinian also placed a garrison in Bosporus under a tribune. But Grod's conversion was not a success. The heathen priests murdered him, and this tragedy was followed by the slaughter of the garrison of Bosporus. We hear no more of Bosporus until it was taken by the Turks (Khazars) in A.D. 576. Kulakovski has well shown that Justinian had little interest in maintaining in it a garrison or a governor (Viz. Vrem., ii. 1896, 8 *sqq.*), for it was never a centre for political relations with the lands east of the Euxine. Embassies between Constantinople and the Alans, or the Abasgians, or the Turks of the Golden Mount went overland by the south coast of the Black Sea and Trebizond, and not *via* Bosporus. After A.D. 576 Bosporus was subject to the Khazars.

The inscription which was found in the region of Taman in 1803 and is printed in Boeckh's Corpus Inscr. Gr. 8740, is still mysterious. It has been recently discussed by the two Russian scholars to whom I have already referred, Latyshev (*loc. cit.*) and Kulakovski (Viz. Vrem., 1896, 1 *sqq.*).[7] Only the three last letters of the name of "our most pious and god-protected lord" can be deciphered (KIC), and the favourite restoration is Μαυρίκις. But this lord is certainly not the Emperor Maurice, as Kulakovski has shown, for (1) the shores of the Bosporus after A.D. 576 were under the dominion of the Turks, and (2) an Emperor would not be described by such a title. The inscription shows that an officer named Eupaterios, who styles himself "the most glorious stratelates and duke of Cherson," restored a *kaisarion* or palace for a barbarian prince of unknown name, on the east side of the Bosporus, in some eighth indiction in the fifth or sixth century A.D. (for to such a date the writing points). The barbarian was clearly a Christian, and it is hard to see who he can have been but a chief of the Tetraxite Goths, who got workmen from Cherson. But it is very strange that an officer of Cherson should describe himself as the "loyal servant" of a Gothic prince.[8]

(The subject of the Tetraxite Goths has been treated by Vasilievski, in the Zhurnal Min. Narod. Prosvieschenia, 195 (1878), p. 105 *sqq.*), and by R. Loewe in Die Reste der Germanen am schwarzen Meere, 1896—a book which also deals fully with the Goths of the Crimea.

16. THE TURKS—(P. 349)

The question of the origin of the Turks has been recently discussed by a Chinese scholar, Mr. E. H. Parker (in the English Historical Review, July, 1896, p. 431 *sqq.*), on the basis of Chinese sources, with reference to the statements of Greek writers.

[6] This name is not included in the list of Hun and Avar names in Vámbéry's *A magyarok eredete.*

[7] πρὸς τοῖς λοιποῖς | μεγάλοις καὶ θαυμαστοῖς | κατορθώμασι καὶ τόδε τὸ | λαμπρὸν ἐν Βοοσπόρῳ | καισάριον ἀνενέωσεν | [. . .] κις ὁ εὐσεβέστατος καὶ θεοφύλακτος ἡμῶν | δεσπότης διὰ τοῦ γνησίου αὐτοῦ | δούλου Εὐπατερίου τοῦ ἐνδοξοτάτου | στρατηλάτου καὶ δουκὸς Χερσῶνος. Ἰνδικτιῶνος ἡ.

[8] The inscription of the Caesar Tiberius Julius Diptunes of Bosporus, published in vol. 2 of Latyshev's collection of Inscriptions (No. 39), cannot belong to Justinian's reign, as Latyshev now admits, but probably dates from the fourth or fifth century.

(1) *The Turks were Hiung-nu.* A branch of the Hiung-nu, in the central part of the modern province of Kan-suh, was crushed by the Tungusic Tartars but Asena fled westward with 500 tents to the territory of the Geougen, and his men were employed by them as iron workers in an iron district. Nearly a hundred years after the flight of Asena, his descendant Notur (before A.D. 543) first introduced the word Turk as the name of his folk. The name Türk occurs in the Turkish inscription which was discovered in 1890 by Heikel near Lake Tsaidam in the Valley of the Upper Orchon,[1] and it is explained by Chinese writers to mean a helmet—referring to a mountain shaped like a casque.

(2) *Seat of the Turkish power in the sixth century; the Golden Mountains.* There seems little doubt that (as Mr. Parker has shown) the residence of the Turkish Khans, when they overthrew the power of the Geougen, was near the eastern border of the modern Chinese province of Kan-suh, somewhat north of the Kok-o-nor mountains. Here was the iron district where they worked for the Geougen.

It is always assumed that *Ektág* in Menander's account of the earlier embassy of A.D. 568 is to be identified with *Ektél* in his account of the later embassy of A.D. 576 (p. 227 and 247, ed. Müller). Of course, the two words are the same and mean "the Golden (White) Mount," as Menander explains. But do they designate the same mountain? There is considerable difficulty in supposing that they do. The first embassy visits the prince Dizabul in Ektag. The second embassy is also sent to Dizabul, but the envoys find on arriving that Dizabul has just died and that his son Turxanth has succeeded him. It is natural to suppose (as there is no indication to the contrary) that the meeting between Turxanth and the Roman envoys, and the obsequies of Dizabul, took place at Mount Ektag, the residence of Dizabul and Turxanth. After the obsequies Turxanth sent the ambassadors to Turkish potentates who lived farther east or south-east (ἐνδοτέρω), and especially to his relative Tardu who lived at Mount Ektel. This narrative implies that Mount Ektel is a totally different place from Mount Ektag; and the Chinese evidence as to two Golden Mountains is sufficient to remove any scruples we might feel about interpreting Menander's statements in the most reasonable way. Having identified Ektag with Altai, and distinguished Ektel from Ektag, we can hardly refuse to go further and identify Ektel with the other Kinshan—the residence of the chief khan. At this time, however, the name of the chief khan was Tapur. Tardu has been identified with plausibility, by Mr. Parker, with Tat-t'ou (son of Tumen), who according to Chinese records reigned simultaneously with Shaporo. There is no difficulty in supposing that the residence of Tardu, who was clearly a subordinate khan, was in the neighbourhood of the Southern Golden Mountain and might be described as κατὰ τὸ Ἔκτελ ὄρος.

(3) *The succession of Turkish Khans.* Tumen, who threw off the yoke of the Geougen, died in A.D. 553; was succeeded by his eldest son Isiki, who appears to have reigned only for a few months; and then by his second son Mukan, who completed the annihilation of the Geougen and subdued the Ephthalites. The succession is (see Parker, *op. cit.*):—

Tumen A.D. 543
Isiki A.D. 553
Mukan A.D. 553
Tapur A.D. 572
Shaporo A.D. 581
Chulohou A.D. 587
Tulan A.D. 588
Durli (or Turri) A.D. 599.

[1] This immensely interesting inscription was ingeniously deciphered by Prof. V. Thomsen of Copenhagen; but his decipherment must doubtless be accepted with great reserve. It belongs to the year A.D. 732, and was engraved on a stone set up by a Chinese emperor in honour of a Turkish prince. (Thomsen, Inscriptions de l'Orkhon déchiffrées, 1894; Radlov, Arbeiten der Orchon-expedition, 1892; Radlov, Die alt-türkischen Inschriften der Mongolei, 1894-5; E. H. Parker, in the Academy for Dec. 21, 1895.)

Under the Khan Mukan the Turkish power in its early period seems to have been at its height. He "established a system of government which was practically bounded by Japan and Corea, China and Thibet, Persia and the Eastern Roman Empire". It appears from Turkish inscriptions that the Turks called the Chinese *Tavgas;* and it can hardly be questioned that this is the same word as *Taugast*, a land mentioned by Theophylactus as in the neighbourhood of India. He states that the khan was at peace with Taugast (in the reign of Maurice).

Dizabul (or rather Silzibul) of the Greek sources is of course distinct from Mukan; but I have shown that it is impossible to regard him as a khan subordinate to Mukan, in the face of the statements of Menander (Eng. Hist. Review, July, 1897). There was a split among the Turks, at some time previous to the first embassy described by Menander; and the result was the existence of two supreme khanates. The seat of one was the Northern Golden Mountain (Ektag, Altai); the seat of the other was the Southern Golden Mountain (Ektel, in Kansuh). During the reign of Justin, Silzibul was chief khan of the northern Turks, Mukan of the southern Turks. (See further: The Turks in the Sixth Century, Eng. Hist. Rev., *loc. cit.*)

17. THE AXUMITES AND HIMYARITES—(P. 384 *sqq.*)

The affairs of the kingdom of the Himyarites or Homerites of Yemen (Arabia Felix) always demanded the attention of the Roman sovrans, as the Himyarites had in their hands most of the carrying trade between the Empire and India. This people carried their civilization to Abyssinia, on the other side of the Red Sea. The capital of the Abyssinian state was Axum, and hence it was known as the kingdom of the Axumites. Our first notice of this state is probably to be found in the *Periplus of the Red Sea*, which was composed by a merchant in the reign of Vespasian. (Best edition of this work by Fabricius, 1880.) There a king Zoskales is mentioned, and it is almost certain that an inscription which Cosmas Indicopleustes copied at Adulis (C. I. G. 5127 B) refers to him. (See D. H. Müller, Denkschriften of the Vienna Acad., xliii., 1894.) In the fourth century we find that the king of Axum has reduced the Homerites under his sway; see C. I. G. 5128, βασιλεὺς Ἀξωμιτῶν καὶ Ὁμηριτῶν. This does not mean that both nations had only one king; it means that the king of the Homerites acknowledged the overlordship of his more powerful neighbour.

At the same time Christianity was beginning to make its way in these regions. Originally both Axumites and Homerites were votaries of the old Sabaean religion. Then the Jewish diaspora had led to the settlement of Jews in Central Arabia—in the region between the Nabataean kingdom (which reached as far as Leukê Kômê) and Yemen,—and the result was that Judaism took root in the kingdom of the Homerites. The mission of Frumentius to Abyssinia about the middle of the fourth century has been mentioned by Gibbon in a former chapter; the foundations of the Ethiopian Church were laid; but the king himself did not embrace the new doctrine. The name of the king of Axum at that time (c. 346-356 A.D.) was Aizan, and he was a pagan (C. I. G. 5128). The conversion of the Homerites was also begun under the auspices of the Emperor Constantius. The missionary was Theophilus, either a Homerite or an Axumite by birth,[1] who had been sent as a hostage to the court of Constantine. The Homerite king, though he had not adopted Christianity, built three Christian churches at his own expense and permitted his subjects to be converted if they wished. It was not till much later, in the reign of Anastasius, that Christianity began to spread, and a bishopric was founded (Theodorus Lector, 2, 58). The progress of the Christian faith advanced at least equally in Axum. It has been

1 He was a native of the isle of Dibûs. Various suggestions have been made as to the identity of this island. M. Duchesne thinks it was one of the little islands off the coast of Abyssinia.

supposed (though hardly with good reason) that it was before the end of the fifth century that the king (or "negus") of Abyssinia was converted.[2]

In the reign of Justin, a Homerite prince named Dhû-Novas (Gibbon's Dunaan) threw off the Axumite yoke, restored the dominance of the Jewish religion, and massacred Christians at Nejrān. The king sent an embassy to Al-Mundir, the chief of the Saracens of Hira, to announce his success against Axum and Christianity. The message happened to come at a moment when envoys of the Emperor Justin had arrived on business to Al-Mundir (Jan. 20, 524). The news of the massacre, which was soon carried to Syria, created a great sensation, and John Psaltes (abbot of a monastery near the Syrian Chalcis) wrote a hymn in honour of the martyrs. (Published by Schröter, Ztsch. der morgenl. Gesellschaft, 31. There is also extant a letter of one Simeon Beth-Arsam, on the massacre: Syriac text with Italian translation, by J. Guidi, in the Memoirs of the Academia dei Lincei, 1880-1. It is also possible, as M. Duchesne thinks, that the *Martyrium Arethae*, Acta Sanctorum, Oct. x., was drawn up by a contemporary.) On the intervention of Justin, the king of the Axumites, Elesbaas or Chaleb,[3] reconquered Yemen, overthrew Dhû-Novas, and set up Esimphaeus in his stead.[4] But the revolt of a Christian named Abramos soon demanded a second intervention on the part of Elesbaas. This time the negus was unlucky. One Abyssinian army deserted to the rebel, and a second was destroyed. Abramos remained in power, and after the death of Elesbaas recognized the overlordship of his successor.

The embassy of Nonnosus to Elesbaas probably took place in the year A.D. 530.[5] In the year A.D. 542-3 we find, according to Theophanes (p. 223, ed. de Boor), Adad, king of the Axumites, and Damian, king of the Homerites. Damian put to death Roman merchants who entered Yemen, on the ground that they injured his Jewish subjects. This policy injured the trade between Abyssinia and the Empire, and Adad and Damian fell out. Then Adad, who was still a heathen, swore that, if he conquered the Homerites, he would become a Christian. He was victorious and kept his vow, and sent to Justinian for a bishop. A man named John was sent from Alexandria.

This notice of Theophanes was derived from John Malalas, who however apparently placed it in the first year of Justinian (A.D. 527-8). This date cannot be right, as Elesbaas was king of the Axumites in that year. M. Duchesne thinks that the episode of Adad (who in Malalas is called Andan) and Damian (*Dimnos*, in Malalas, more correctly) was anterior to the reign of Elesbaas. This may seem a hazardous conjecture. There is no reason why a successor of Elesbaas (whether his son or not) must needs have been a Christian; and it is hard to believe that Theophanes acted purely arbitrarily in placing under the year A.D. 542-3 an event

[2] This involves the hypothesis that the story of the victory of the Axumite king Andan (or Adad) over the Homerite king Dimnos (or Damianus) is not to be assigned to A.D. 527-8, in which year Malalas who records the story (ed. Bonn, p. 433-4) appears to place it. Theophanes, who takes the notice from Malalas, places it however still later, in A.D. 542-3 (A.M. 6035). Andan swore that he would become a Christian, if he were successful against the Homerites, and he kept his vow

[3] *Elesbaâs*, Nonnosus, Theophanes; *Elesbóas*, Oxford Ms. of Malálas; *Ellisthaeus*, Procopius; *Ellatzbaao*, Cosmas. Ludolf gives the Ethiopian original as Ela Atzbeha.

[4] For these events the *Martyrium Arethae* and Procopius, B.P. i. 20, are the chief sources. Theophanes briefly mentions the episode under the right year, A.D. 523-4. Procopius gives the name of the new prince or viceroy Esimphaeus, and records the revolt of Abramos. At the end of the *Martyr. Arethae* Elesbaas is represented as investing Abramos with the kingship; but this part is not contained in the Armenian version of the *Martyrium*, and it is therefore safer to follow Procopius. (Cp. Duchesne, p. 326, 328.) Malalas (p. 457, ed. Bonn) gives Anganes as the name of the king of the Homerites who was set up by Elesbaas. The form *Esimphaeus* represents 'Ασσυβαχά, which is found on a coin (Rev. Numism. 1868, ii. 3). See further the account of Ibn Ishāq (Nöldeke, Tabari, 197 *sqq.*).

[5] We know from Nonnosus himself (ap. Phot. Bibl. Cod. 3=Müller, iv. p. 179) that he was sent to Elesbaas; and it seems justifiable to identify this embassy with that described by Malalas (p 457). From the previous dates in Malalas, it seems probable that the year was A.D. 530. The date A.D. 533 (given by Gibbon, Müller, &c.) is too late; for the mission must have been previous to the conclusion of the peace.

which he found in Malalas under 527-8.[6] It must be observed that Malalas was not the only source of Theophanes. On the other hand Ibn Ishāq (apud Tabari; Nöldeke, p. 219) gives a succession of kings of Yemen which leaves no room for Damian. The succession is Abraha, Yaksūm, Masrūq (who is supposed to be the same as *Sanaturkes* in Theophanes of Byzantium; which seems doubtful; for *Sana* in this name seems to correspond to the Homerite town Sana). Ibn Ishāq assigns an impossible number of years to these kings; and I doubt whether his statements are absolutely decisive as against Theophanes.[7]

It is another question whether, as Gutschmid and Nöldeke have suggested, Malalas and Theophanes and John of Ephesus (who has the same story) have interchanged the names of the Axumite and Homerite kings (see Nöldeke, Tabari, p. 175). The reason is that on the obverse of some coins Διμηάν appears as the heathen king of the Axumites; while on the reverse Ἀφίδας is represented as the vassal king of the Homerites. (Revue Numismat. 1868, t., ii. 1, 2.) This conjecture seems highly probable. In any case the form Dimêan explains the Greek variants Δίμνος and Δαμιανός.[8]

The Persian invasion of Yemen took place between 562 and 572 (cp. Nöldeke, p. 224), and formed one of the causes of the war between Justin and Chosroes. Arethas was at this time king of the Axumites, and Justin sent an ambassador named Julian to him, urging him to hostilities against Persia. In noticing this embassy (sub anno 571-2—A.M. 6064) Theophanes has borrowed the account that is given by Malalas of the reception of the ambassador Nonnosus by Elesbaas; and hence he is always supposed to refer to the same embassy and to have misdated it. But the substitution of the new names (Arethas for Elesbaas, and Julianus for the ambassador whom Malalas does not name) refutes this opinion.

In this note I have derived much help from the valuable article of M. l'abbé Duchesne, Missions chrétiennes au sud de l'empire romain, which is included in his *Eglises Séparées*, 1896. Here will be found also an account of the conversions of the Blemmyes and the Nobadae of Upper Egypt.

18. THE WAR IN AFRICA AFTER THE DEATH OF SOLOMON —(P. 390 *sqq.*)

John—who is distinguished, among the numerous officers who bore the same name, as the "brother of Pappus" (Jordanes calls him *Troglita*; Rom. 385)—arrived in Africa towards the end of A.D. 546. He had served under Belisarius in the overthrow of the Vandal kingdom and had remained in Africa during the first military governorship of Solomon (Joh. i., 470). He was then commander of the army in Mesopotamia in the Persian War (Procop. B.P. 2, 14), and was engaged in the battle of Nisibis in which Nabedes was defeated in 541. Procopius (*ib.* 17) represents him as on this occasion rashly involving the army in extreme peril, which was only avoided by the skill of Belisarius; but Corippus ascribes the victory to his hero:—

> expulit ut Persas, stravit quo vulnere Parthos
> confisos turbis densisque obstare sagittis
> tempore quo late manarunt Nitzibis agri
> sanguine Persarum, Parthoque a rege secundus
> congressus Nabedes, fretus virtute feroci,
> amisit socias ipso superante catervas, &c. (i. 58 *sqq.*).

6 The motive of Malalas was to group it with other conversions of heathen kings.

7 It is to be observed that the expedition of Abraha against Mecca, being mentioned by Procopius, B.P. i., 20 (see Nöldeke, p. 205), was earlier than A.D. 545; so that Abraha might conceivably have been dead before 542; and another ruler might have intervened between him and *Yaksum* (Ἰαξωμι).

8 This variation seems in itself to prove that Theophanes had before him another source.

John contrived to enter Theodosiopolis, when it was besieged by the host of Mermeroes, and took part in the defeat of that general at Daras (Coripp., *ib.* 7 *sqq.*). He brought with him to Africa a trusted councillor named Recinarius—*lateri Recinarius haerens* (*ib.* 2, 314),—who had been employed in the negotiations with Chosroes in A.D. 544.

It would probably have been impossible for the Roman power to hold its own in Africa, if the Moors from the Syrtis Major to Mt. Atlas had been united in a solid league. It is highly important to observe that the success of the Empire depended on the discord of the Moorish chiefs, and that the forces upon which John relied in the war were more Moorish than Roman. The three most important chiefs were Antāla, king of the Frexenses (Fraschisch), in Byzacium; Cūsīna, whose tribe[1] was settled under Mount Aurasius, in the neighbourhood of Lambaesis; and Jaudas, king of the Moors of Mt. Aurasius. Cusina and Antala were always on opposite sides. Antala was loyal to Rome, when Cusina rebelled in 535; Cusina was true to Solomon, when Antala took up arms in 544. John was now supported by Cusina, and by Ifisdaias, the chief of another tribe in Numidia. The first battle was fought in the interior regions of Byzacium, in the winter A.D. 546-7, and Antala was routed. John returned to Carthage, but in the following summer had to face a great coalition of the Syrtic tribes, including the Laguantan and the Marmarides, under the leadership of Carcasan. This league was not joined by Antala. The Romans suffered a complete defeat near Marta, a place about ten Roman miles from Tacape on the Lesser Syrtis (Partsch Procem. p. xxxiii.), and John was unable to resume hostilities till the following year. He retired to Laribus in Western Zeugitana, a town which Justinian had fortified :—[2]

> urbs Laribus mediis surgit tutissima silvis
> et muris munita novis quos condidit ipse
> Iustinianus apex, orbis dominator Eoi
> occiduique potens Romani gloria regni.

Here he was close to Numidia and his Moorish confederates, the faithful Cusina and the savage Ifisdaias, and here he spent the winter A.D. 547-8. He succeeded in obtaining the help of king Jaudas, who was generally hostile to Rome; and the whole army, including the immense forces of Cusina and Ifisdaias, assembled in the plain of Arsuris, an unknown place, probably in Byzacium. The Mauri maridae and Southern Moors had now been joined by Antala. His wise advice was not to venture on a battle until they had wearied the enemy out by long marches, and the Moors withdrew to the south of Byzacium. But John declined to pursue them; he fortified himself in a stronghold on the coast of that province where he would probably have awaited their attack if the event had not been hastened by the impatience of his mutinous soldiers. With the help of his Moorish allies he repressed the sedition, but thought it wise to lead his army down into the plains. He encamped in an unknown region called the "fields of Cato," and the Moors, pressed by hunger, were soon compelled to leave their camp and take the field. The defeat of Marta was brilliantly retrieved. Carcasan fell, and the Moors were so effectually broken that Africa had rest for about fourteen years. John remained in Africa as *magister militum*, at least till A.D. 553, in which year we find him undertaking an expedition to Sardinia.[3]

In A.D. 562 the Moorish troubles broke out again. Cusina, the faithful adherent to the Roman cause, was treacherously killed by John Rogatinus, the magister militum, and his sons roused the Moors to vengeance, and devastated the provinces.[4]

[1] The name is not certain. The verse 3, 408,

> Cusina Mastracianis secum viribus ingens

is obviously corrupt.

[2] A plan of the citadel is given in Diehl, l'Afrique byzantine, p. 273.

[3] Procop. B. G., 4, 24.

[4] John Malalas, p. 495, ed. Bonn. Cp. Diehl, p. 599.

In this account I have been assisted by the disquisition of J. Partsch, in the Prœemium to his edition of Corippus, and by the narrative of M. Ch. Diehl, in L'Afrique byzantine.

19. THE EXARCHS—(P. 391, 423)

The earliest mention of the name Exarch in connexion with the government of Italy is in a letter of Pope Pelagius II. to the deacon Gregory (Migne, Patr. Lat., vol. 82, p. 707; cp. Diehl, Etudes sur l'administration byzantine dans l'exarchat de Ravenne, p. 173), dated Oct. 4, 484. Seven years later we meet the earliest mention of an Exarch of Africa (Gregory the Great, Ep. i. 59), in July, 591. Under the Emperors Justin and Tiberius (A.D. 565-582) the supreme military governor is entitled magister militum. It is therefore plausible to ascribe to Maurice (Diehl, L'Afrique byzantine, p. 478) the investiture of the military governor with extraordinary powers and a new title designating his new position. Gennadius was the first exarch of Africa.

From the first hour of the Imperial restoration in Africa military and civil governors existed side by side, and the double series of magistri militum (and exarchs) and Praetorian Praefects can be imperfectly traced till the middle of the seventh century.[1] On some exceptional occasions the two offices were united in a single individual. Thus Solomon was both magister militum and Praetorian Praefect in A.D. 535, and again in A.D. 539, &c.; and Theodorus held the same powers in A.D. 569. Throughout, the tendency was to subordinate the civil to the military governor, and the creation of the exarchate, with its large powers, decisively reduced the importance of the Praetorian Praefect.

20. THE COMET OF A.D. 531—(P. 433-4)

The identity of the comet of A.D. 1680 with the comets of A.D. 1106, A.D. 531, B.C. 44, &c., is merely an ingenious speculation of Halley. See his Synopsis of the Astronomy of Comets, at end of Whiston's "Sir Isaac Newton's mathematick Philosophy more easily demonstrated" (1716), p. 440 *sqq*. The eccentricity of the comet of A.D. 1680 was calculated by Halley (Philosophical Transactions, 1705, p. 1882), and subsequently by Encke, Euler, and others,—on the basis, of course, of the observations of Flamsteed and Cassini. Newton regarded its orbit as parabolic (Principia, 3, Prop. 41); but it has been calculated that the eccentricity arrived at by Encke, combined with the perihelion distance, would give a period of 8813·9 years (J. C. Houzeau, Vademecum de l' Astronome, 1887, p. 762-3). The observations were probably not sufficiently accurate or numerous to establish whether the orbit was a parabola, or an ellipse with great eccentricity; but in any case there is nothing in the data to suggest 575 years, nor have we material for comparison with the earlier comets which Halley proposed to identify.

For the Chinese observations to which Gibbon refers, see John Williams, Observations of Comets from Chinese Annals, 1871: for comet of B.C. 44, p. 9, for a doubtful comet (?) of A.D. 532, p. 33, for comet of A.D. 1106, p. 60.

21. ROMAN LAW IN THE EAST—(C. XLIV.)

New light has been thrown on the development of Imperial legislation from Constantine to Justinian, and on the reception of Roman law in the eastern half of the empire (especially Syria and Egypt), by the investigations of L. Mitteis, in his work "Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs" (1891). The study is mainly based on Egyptian papyri and on the Syro-Roman Code of the fifth century, which was edited by Bruns and Sachau (1880).

[1] See list of Diehl, L'Afrique byzantine, p. 596-9.

It was only to be expected that considerable resistance should be presented to the Roman law, which became obligatory for the whole empire after the issue of the *Constitutio Antoniniana* (or Law of Caracalla), among races which had old legal systems of their own, like the Greeks, Egyptians, or Jews. The description which Socrates gives of the survival of old customs at Heliopolis, which were contrary to the law of the empire, indicates that this law was not everywhere and absolutely enforced; the case of Athenais, put off by her brothers with a small portion of the paternal property, points to the survival of the Greek law of inheritance; and the will of Gregory Nazianzen, drawn up *in Greek*, proves that the theoretical invalidity of a testament, not drawn up in Latin and containing the prescribed formulæ, was not practically applied. Theory and practice were inconsistent. It was found impossible not to modify the application of the Roman principles by national and local customs; and thus there came to be a particular law in Syria (cp. the Syro-Roman law book) and another in Egypt. The old legal systems of the East, still surviving though submitted to the influence of the Roman system, presently had their effect upon Imperial legislation, and modified the Roman law itself. The influence of Greek ideas on the legislation of Constantine the Great can be clearly traced.[1] It can be seen, for instance, in his law concerning the *bona materni generis*, by which, on a mother's death, her property belonged to the children, their father having only the administration and usufruct of it, and no right of alienation. The same law is found in the Code of Gortyn (6, 31 *sqq.*).

The degeneration of Roman law (*adulterina doctrina*), caused by the tenacity of "Volksrechte" in the eastern provinces, was a motive of the compilation of Justinian's Digest.

[1] Cp. Mitteis, Beilage III., p. 548 *sqq.* Ammian calls Constantine novator turbatorque priscarum legum.

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